

EXHIBIT 2

In The Matter Of:
Lewis B. Sykes, Jr. vs.
RBS Citizens, N.A., et al.

Eric G. Mart
Vol. I
June 10, 2015

Connelly Reporting & Video Services, Inc.
32 Gault Road
Bedford NH 03110
(603) 472-5745

Original File Mart 061015.txt

Min-U-Script® with Word Index

VOLUME: I
PAGES: 1-95

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

* * * * *

LEWIS B. SYKES, JR.

v.

1:13-cv-00334-JD

RBS CITIZENS, N.A., et al.

* * * * *

DEPOSITION OF ERIC G. MART

This deposition was taken at the offices of
Primmer, Piper, Eggleston & Cramer, 900 Elm
Street, Manchester, New Hampshire, on
Wednesday, June 10, 2015, commencing at 10:37
a.m.

Mart 6/10/15

2

APPEARANCES

Representing Bank of America, N.A. and Bank of New York Mellon:

PRIMMER, PIPER, EGGLESTON & CRAMER PC
900 Elm Street, 19th Floor
Manchester, New Hampshire 03101
By: Thomas J. Pappas, Esq.
tpappas@primmer.com

WINSTON & STRAWN
100 N. Tyron Street, 29th Floor
Charlotte, North Carolina 28202
By: Elizabeth Ireland, Esq.
eireland@winston.com

Representing CCO Mortgage Corporation, Federal National Mortgage Association, RBS Citizens, N.A.:

HARMON LAW OFFICES, P.C.
150 California Street
Newton, Massachusetts 02458
By: Andrea V. Lasker, Esq.
alasker@harmonlaw.com

Representing New England Coastal Realty, Inc.:

WADLEIGH, STARR & PETERS
95 Market Street
Manchester, New Hampshire 03101
By: Robert E. Murphy, Jr., Esq.
rmurphy@wadleighlaw.com

Court Reporter: Megan M. Hefler, LCR, RDR
Registered Diplomate Reporter
License Court Reporter
NH LCR No. 61 (RSA 310-A)

Mart 6/10/15

3

STIPULATIONS

It is agreed that the deposition shall be taken in the first instance in stenotype and when transcribed may be used for all purposes for which depositions are competent under New Hampshire practice.

Notice, filing, caption, and all other formalities are waived. All objections except as to form are reserved and may be taken in court at time of trial.

It is further agreed that if the deposition is not signed within 14 days after submission to counsel, the signature of the deponent is waived.

I N D E X

Deponent:

Eric G. Mart

Examination by Mr. Pappas: P.6 & 92

Examination by Mr. Murphy: P.77

Examination by Ms. Lasker: P.88

Errata page: P.94

E X H I B I T S

Number	Description	Page
Exhibit 1	Curriculum vitae of Dr. Mart	8
Exhibit 2	10/22/14 report	10
Exhibit 3	Verified third amended complaint	11

Mart 6/10/15

4

E X H I B I T S
(Continued)

	Number	Description	Page
1			
2			
3			
4	Exhibit 4	Standard intake form	20
5	Exhibit 5	Handwritten notes	
6		of interview	67
7	Exhibit 5A	Clinical interview/history	
8		documents	67
9	Exhibit 6	Notes of conversation with	
10		Peter Sykes	68
11	Exhibit 7	Notes of conversation with	
12		Mr. Piro	68
13	Exhibit 8	Mental status exam form ..	69
14	Exhibit 9	Authority to Exchange	
15		Information forms	70
16	Exhibit 10	Intake form, client	
17		demographic info	70
18	Exhibit 11	Mr. Piro's documents	72
19	Exhibit 12	"Recollections: Day in the	
20		Life Of" documents	72
21	Exhibit 13	"A Timely Statement from	
22		Mr. Steve Piro" document	73
23	Exhibit 14	NAB scoring for screening	
		module	73
	Exhibit 15	Record form for the NAB ...	74
	Exhibit 16	RAIT scoring sheet	74
	Exhibit 17	TSI-2 scoring sheet	75

Mart 6/10/15

5

E X H I B I T S
(Continued)

Number	Description	Page
Exhibit 18	PAI scoring sheet	75
Exhibit 19	SWAP-200 scoring sheet ..	75
Exhibit 20	Montreal Cognitive Assessment scoring sheet	75
Exhibit 21	NAB scoring sheet	76
Exhibit 22	Subpoena	93

(Exhibits retained by Attorney Pappas.)

Mart 6/10/15

6

1 ERIC G. MART, being first duly sworn,
2 deposes and states as follows:

3 EXAMINATION

4 Q. (BY MR. PAPPAS) Could you state your full name and
5 address for the stenographer?

6 A. Sure. Eric Galen Mart. That's M-a-r-t. My
7 address is 230 Lafayette Road, D7, Portsmouth, New
8 Hampshire, 03801.

9 Q. Dr. Mart, as I mentioned a moment ago, myself and
10 Elizabeth Ireland next to me represent Bank of
11 America and Bank of New York Mellon in this case.
12 The other attorneys represent other defendants,
13 and they're going to introduce themselves when the
14 time comes.

15 A. Okay.

16 Q. I know you are familiar with the procedure for
17 depositions, so I won't repeat it, but I will add
18 that if I ask you a question and you don't ask
19 about the question, everybody will assume you
20 understood the question. So if you don't
21 understand a question, please say so, and I'll try
22 to rephrase it or answer any questions you have.
23 If at any time you want to clarify or complete a

Mart 6/10/15

7

1 prior answer you've given because something comes
2 to mind, ask and I'll give you the chance to do
3 so. Or if you want to add anything to the record
4 because you think it makes it more complete, ask
5 and I'll give you that chance as well. Do you
6 understand that?

7 A. Sure.

8 Q. How old are you?

9 A. I'm 59 years old.

10 Q. Are you married?

11 A. I am.

12 Q. Do you have children?

13 A. I have one son.

14 Q. Okay. I'm going to show you, which was a copy of
15 your CV which was given to us --

16 A. Okay.

17 Q. -- and ask you if that's current. Take a quick
18 look at that.

19 A. Is that --

20 MR. PAPPAS: Off the record.

21 (Discussion off the record.)

22 Q. Dr. Mart, you've come with your entire file
23 regarding Mr. Sykes; is that correct?

Mart 6/10/15

8

1 A. I have.

2 Q. And within that file is a copy of your CV. And
3 let me show it to you.

4 A. Yes.

5 Q. Is this a copy that was in your file current?

6 A. This is updated.

7 MR. PAPPAS: Okay. Let us mark this one as
8 Exhibit 1.

9 (Exhibit 1 marked.)

10 Q. Now, do you also have a list of cases during the
11 past four years that you've either testified in
12 court or testified in deposition?

13 A. I do.

14 Q. I would ask after the deposition if you could
15 provide that to me.

16 A. I'll do that.

17 Q. I'm going to ask you some questions about your
18 retention to work with Mr. Sykes, and if you need
19 to refer to your file, you're free to do so.

20 A. Sure.

21 Q. Who retained you to evaluate Mr. Sykes?

22 A. It was his counsel at the time, whose name I'm
23 blocking at the moment, but I can --

Mart 6/10/15

9

1 Q. Attorney Harman?

2 A. Yes.

3 Q. And did Attorney Harman provide you with a
4 retainer letter of any sort?

5 A. I don't recall.

6 Q. Okay. Do you have a standard retainer letter that
7 you use?

8 A. More or less standard. We change it according to
9 circumstances.

10 Q. I didn't notice one in this file that you brought.

11 A. I could -- I could dig through it. There may be
12 one.

13 Q. If there's not one and you have one back at the
14 office, I'd ask that you send that to me as well.

15 A. Okay.

16 Q. Tell us what you were retained to do.

17 A. As I recall, Attorney Harman sketched out some of
18 what, her version of circumstances of the case and
19 asked me to do an examination of Mr. Sykes.

20 Q. And as I understand it, you produced a report.

21 A. Is that it?

22 Q. No.

23 A. This is mine.

Mart 6/10/15

10

1 Q. Oh, I'm sorry. No wonder I can't find it. You
2 produced a report after examining Mr. Sykes; is
3 that right?

4 A. Yes.

5 MR. PAPPAS: Can we mark that as Exhibit 2?

6 (Exhibit 2 marked.)

7 Q. I'm going to show you what we marked as Exhibit 2.
8 Did you author that report?

9 A. Yes.

10 Q. And on the last page is that your signature?

11 A. Yes.

12 Q. Now, this report is dated October 22, 2014. Have
13 you done any other work regarding Mr. Sykes since
14 October 22, 2014?

15 A. No.

16 Q. Other than being retained to evaluate Mr. Sykes
17 and produce the report we marked as Exhibit 2,
18 have you been retained to do anything else with
19 respect to Mr. Sykes?

20 A. No.

21 Q. Have -- let me show you a document that's in your
22 file, which is captioned, "The Third Amended
23 Verified Complaint as allowed by the Court

Mart 6/10/15

11

1 Order" -- strike that -- "as Allowed By the Order
2 dated September 10, 2014" in the case captioned
3 Lewis B. Sykes, Jr. v. RBS Citizens, et al., and
4 show you a copy of that third amended complaint.

5 A. Yes.

6 MR. PAPPAS: Mark that as the next exhibit.

7 (Exhibit 3 marked.)

8 Q. We've marked as Exhibit 3 Mr. Sykes' third amended
9 verified complaint in this lawsuit, and how did
10 you obtain a copy of that amended complaint?

11 A. I believe it was sent to me by his attorney at
12 that time.

13 Q. And I'll represent to you that this deposition is
14 being taken as part of the lawsuit that that
15 complaint covers.

16 A. Okay.

17 Q. Have you been retained to serve as an expert
18 witness in this lawsuit?

19 A. I think that that sort of depended at the time I
20 did it on how the evaluation came out, but my
21 assumption was that if it was something that the
22 attorney felt was useful, that I would be called
23 to testify.

Mart 6/10/15

12

1 Q. Have you been contacted by the attorney since you
2 produced your report to serve as an expert
3 witness?

4 A. No. In fact, I don't recall the exact
5 circumstances, but I think it was because I hadn't
6 heard anything, I called Attorney Harman and she
7 told me that she was no longer representing
8 Mr. Sykes.

9 Q. Have you spoken with Mr. Sykes since October 22,
10 2014?

11 A. A couple of times.

12 Q. Tell me when is the first time after October 22,
13 2014 that you spoke with him.

14 A. I don't recall the exact date. The first time was
15 after Attorney Harman was no longer working with
16 him. He had called and asked for materials from
17 my file. Apparently, I had not gotten to them
18 quite fast enough, and he showed up in the office
19 and asked for them, and that was the extent of our
20 sort of back and forth.

21 Q. When's the next time you spoke to him?

22 A. Like in the last couple of weeks he came in and
23 basically to tell me that there was this

Mart 6/10/15

13

1 deposition, but that he wasn't in control of
2 scheduling, and that prompted my call to you.

3 Q. In either of your discussions with Mr. Sykes at
4 the time he came to pick up material or the time
5 he came to your office to talk about the
6 deposition, did he say to you that he wanted to
7 retain you or use you as an expert witness in this
8 case?

9 A. No.

10 Q. And has Mr. Sykes retained you as an expert
11 witness in this case?

12 A. No.

13 Q. Other than discussing the material in your file,
14 or at least producing the material in your file,
15 and discussing this deposition, have you discussed
16 the substance of your October 22, 2014 report with
17 Mr. Sykes?

18 A. No. These were very brief discussions.

19 Q. And would I be correct in saying that you didn't
20 discuss the substance of this case with Mr. Sykes?

21 A. No.

22 Q. No, you did not?

23 A. I did not.

Mart 6/10/15

14

1 MR. PAPPAS: Can we go off the record for a
2 minute?

3 (Discussion off the record.)

4 (Recess taken; 10:48-10:53 a.m.)

5 Q. (BY MR. PAPPAS) Dr. Mart, could you tell us what
6 experience you have in diagnosing someone's legal
7 capacity?

8 A. It's come up a few times, not as often as some of
9 the other civil capacities, but there have been
10 maybe seven or eight cases in my career where the
11 ability to contract or enter into legal settlement
12 or that type of thing has come up.

13 Q. Do you recall the most recent case?

14 A. It's been awhile.

15 Q. Have you ever had a case where you were asked to
16 determine whether somebody has regained their
17 legal capacity?

18 A. No.

19 Q. Have you done any research or study of that issue,
20 as to when there's an issue as to whether someone
21 has regained legal capacity?

22 A. I have.

23 Q. And tell us what you've done.

Mart 6/10/15

15

1 A. I recently -- it's in press. I recently
2 co-authored a chapter in the Handbook of Forensic
3 Neuropsychology published by the American
4 Psychological Association where we covered a
5 variety of civil competencies, and in the course
6 of doing that I researched a variety of capacity
7 assessment protocols.

8 Q. And that included regaining capacity?

9 A. You know, I don't know if -- I think it's more a
10 question of whether somebody either has it, has it
11 at that particular moment or doesn't have it.

12 Q. Do you recall when that publication was?

13 A. It hasn't come out yet. It's in press.

14 Q. Oh, it's in press. When did you do the work for
15 that?

16 A. Over the last three, four months. I think we
17 finally got it going in May.

18 Q. Okay. Let me note for the record that you're here
19 pursuant to a subpoena served on you; is that
20 correct?

21 A. That's correct.

22 MR. PAPPAS: I note for the record that
23 Mr. Sykes was provided with a copy of that

Mart 6/10/15

16

1 subpoena, and that he is not present for today's
2 deposition.

3 Q. I'm going to ask you some questions about your
4 report, so we've marked that as Exhibit 2. If you
5 have that in front of you, it will be helpful.

6 A. Sure.

7 Q. The report we marked as Exhibit 2 is the only
8 report you've done regarding Mr. Sykes?

9 A. Yes.

10 Q. And does this report contain all of the opinions
11 that you have rendered regarding Mr. Sykes?

12 A. Yes.

13 Q. Now, the date of assessment is 9/23/2014. Do you
14 see that?

15 A. Yes.

16 Q. Is that the date you met with Mr. Sykes?

17 A. That's the date he came to the office.

18 Q. Did you meet with him just once?

19 A. Yes.

20 Q. And the date of the report, October 22, 2014, is
21 that the date that you completed the report?

22 A. Yes.

23 Q. I asked you this before, but I just want to

Mart 6/10/15

17

1 confirm. You've done no work regarding Mr. Sykes
2 since you completed this report on October 22,
3 2014, correct?

4 A. I have not done any work since then.

5 Q. If you look at the paragraph under "Referral
6 information," would I be correct in saying that
7 the information you learned in that first
8 paragraph you learned from Mr. Sykes' prior
9 counsel?

10 A. Yes.

11 Q. Now, the last sentence in the first paragraph
12 states, "This evaluation was requested in order to
13 provide the court with information regarding
14 Mr. Sykes' mental state during the time period in
15 question." Do you see that?

16 A. Yes.

17 Q. What time period were you referring to?

18 A. The time period when he did not file properly. As
19 I sit here, I don't recall exactly when it was.

20 Q. Does your report cover a specific time period?

21 A. I know that some of this, at least in terms of
22 what he was telling me, occurred around 2008 and
23 2009.

Mart 6/10/15

18

1 Q. Your report, I gather, is your opinion as of
2 October 22, 2014; is that right?

3 A. Right. It's about his likely mental state at the
4 time this was -- that was occurring, but I
5 evaluated him and the tests I gave him reflect
6 primarily on the state he was in when I saw him.

7 Q. Okay. Let me make sure I'm clear about that.

8 MR. PAPPAS: Could you read back that last
9 answer?

10 (Requested testimony read.)

11 Q. So I take it from your answer there are two
12 things. One, you gave him tests the day you saw
13 him on September 23, 2014, correct?

14 A. Yes.

15 Q. And so those tests would have reflected his mental
16 state as of that date?

17 A. Yes. That's correct.

18 Q. But you've rendered opinions about his mental
19 state in a prior date?

20 A. Yes.

21 Q. And sitting here today, do you recall what that
22 prior date was?

23 A. There's reference in my report to his having had

Mart 6/10/15

19

1 some of these difficulties back in the 2008-2009
2 time frame.

3 Q. So that would be the prior date that your opinions
4 relate to?

5 A. Right. That's my understanding of when this
6 particular difficulty went down.

7 Q. Under "Referral information" you indicate that you
8 discussed the purpose of the evaluation with
9 Mr. Sykes; do you see that?

10 A. Yes.

11 Q. Tell me what you and he discussed.

12 A. I have a standard form that's in my file. First
13 of all, the person reads the intake form. It has
14 some information on it. But I also like to talk
15 to them face to face, talk about what I'm going to
16 be doing, who I am, the limits of confidentiality,
17 and some of the, some of the things I'm required
18 to say by state law about threats to other people,
19 suicidality, you know, inappropriate sexual
20 behavior, that type of thing.

21 Q. Is that standard form within your file?

22 A. It should be. I'm not finding it, but I recall
23 doing it with him. Here it is.

Mart 6/10/15

20

1 Q. Okay.

2 MR. PAPPAS: Why don't we mark this as the
3 next exhibit.

4 (Exhibit 4 marked.)

5 Q. Dr. Mart, let me show you what we've marked as
6 Exhibit 4. Is this the standard form to which you
7 referred a moment ago?

8 A. The one on top is the one I'm referring to, yes.

9 Q. And the next form is your fee schedule and billing
10 policies?

11 A. Yes.

12 Q. And then under that is your authority to exchange
13 information?

14 A. Correct.

15 Q. I'm going to ask you some questions now about the
16 section of your report entitled, "Record review."
17 Your report identifies two documents. The first
18 is the third amended verified complaint, and the
19 second document you identify is documentation from
20 Steven Piro. Do you see that?

21 A. Yes.

22 Q. Did you review any other documents other than the
23 documents you've identified here?

Mart 6/10/15

21

1 A. Mr. Sykes dropped by or brought with him a
2 document entitled, "A Day in the Life." It was
3 sort of a biographical piece -- this is it --
4 where he talked about some of his concerns. I
5 looked at it. It was kind of hard to follow. It
6 wasn't really germane to what I was doing.

7 Q. Would I be correct in saying that the document
8 Mr. Sykes dropped off entitled "Recollections: A
9 Day in the Life" was not used for purposes of
10 evaluating Mr. Sykes?

11 A. Maybe in the most general terms it gave me a
12 little flavor of his thought processes, but it
13 really wasn't that important to me.

14 Q. Would I be correct in saying that the information
15 that you learned from the documents you identify
16 in your report, you assume that information to be
17 true?

18 A. Not entirely. You know, one of the things that I
19 routinely do as I've gotten a little more
20 experienced is I understand that the
21 representations that people make can often be
22 very, very different from the reality of the
23 situation. It's even more difficult for me in a

Mart 6/10/15

22

1 situation that's legally complex. In other words,
2 this is, to me, a very complicated document, and I
3 don't really understand all the laws involved.

4 Q. "This" being Exhibit 3?

5 A. Exhibit 3, yes. And I have sometimes found out
6 that what's being represented does not comport
7 completely or at all with what people are saying
8 to me, right. And I make it clear to the
9 retaining attorney that if I discover -- you know,
10 if I'm asked questions on the stand and it turns
11 out that I'm operating on false premises, that
12 that's their problem, not mine.

13 Q. But for purposes of your evaluation, do you recall
14 learning anything in the documents you reviewed
15 that you did not assume to be true?

16 A. No. I really wasn't in a position to know
17 objectively.

18 Q. Now, you have a summary in your report of the
19 documents you reviewed. Would I be correct in
20 saying that your summary contains the information
21 that you thought was important and relevant for
22 purposes of your evaluation?

23 A. Yes.

Mart 6/10/15

23

1 Q. The documentation that you received from Mr. Piro,
2 is that contained within your file?

3 A. I believe so. It's possible that -- you know, as
4 I'm sitting here -- I kind of rushed out -- it may
5 be on my computer because I'm not seeing it here.

6 Q. I would ask that when you get back to your office
7 to check your computer if you have any information
8 on your computer relating to Mr. Sykes, that you
9 either print it and send me a hard copy, or if
10 it's more convenient, you can e-mail it to me as
11 well.

12 A. Sure.

13 Q. Let me ask you a few questions about the
14 collateral interviews you conducted. The first
15 one you indicated you had an opportunity to speak
16 with Mr. Piro on October 16, 2014; do you see
17 that?

18 A. Yes.

19 Q. Was that the first time that you spoke with him
20 regarding Mr. Sykes?

21 A. I think it was the only time I spoke to him.

22 Q. Okay. Was that face to face or by phone?

23 A. By phone.

Mart 6/10/15

24

1 Q. Do you recall how long you and Mr. Piro spoke?

2 A. Maybe 15, 20 minutes.

3 Q. Would I be correct in saying that the description
4 of your conversation with Mr. Piro in your report
5 contains the information you thought important and
6 relevant in evaluating Mr. Sykes?

7 A. Yes.

8 Q. Was it your understanding that Mr. Sykes first saw
9 Mr. Piro in an attempt to repair his marital
10 relationship?

11 A. Yes.

12 Q. That Mr. Sykes at that point had been separated
13 from his wife?

14 A. That's correct.

15 Q. And was it your understanding that the foreclosure
16 on Mr. Sykes' home was one of the issues that led
17 to the breakup or the separation of Mr. Sykes and
18 his wife?

19 A. Yes. I believe that he, Mr. Sykes, had told him
20 that his wife sort of blamed him for not -- for
21 allowing it to occur.

22 Q. And was it your understanding that Mr. Piro's
23 initial work with Mr. Sykes related to the breakup

Mart 6/10/15

25

1 of his marriage in trying to reunite Mr. Sykes
2 with his wife?

3 A. Correct. I believe that he -- it actually started
4 out as marriage counseling.

5 Q. And was it your understanding at some point after
6 Mr. Piro began seeing Mr. Sykes they also started
7 focusing or discussing Mr. Sykes', the foreclosure
8 on his home, and issues surrounding that?

9 A. Right. I think when he started working more
10 individually with him, that became more of a
11 focus.

12 Q. Do you recall when that was?

13 A. I don't recall, and I'm not sure where in that
14 process that became the focus.

15 Q. Do you know how that became the focus?

16 A. I think, if I recall correctly, that it was clear
17 that he wasn't having much luck with the
18 reunification. They switched to sort of
19 individual therapy, and that's what Mr. Sykes was
20 identifying as his major stressor.

21 Q. And was it your understanding that the major
22 stressor of Mr. Sykes was the foreclosure of his
23 home?

Mart 6/10/15

26

1 A. Well, that's what he was reporting.

2 Q. Reporting to Mr. Piro?

3 A. Yes.

4 Q. Now, your report states, in the discussion of your
5 conversations with Mr. Piro, that Mr. Piro
6 reported to you that when Mr. Sykes became aware
7 that there was a problem with his mortgage, he
8 began searching the Internet and spent hours
9 attempting to resolve the problem himself. Do you
10 see that?

11 A. Yes.

12 Q. Do you know how Mr. Sykes became aware there was a
13 problem with his mortgage?

14 A. I recall that he received some notification that
15 there was some difficulty or that there had been
16 some payments not made and that there was some
17 type of proceeding that was going to be taking
18 place.

19 Q. So the problem with his mortgage arose, or
20 Mr. Sykes became aware of the problem with his
21 mortgage before his house was foreclosed upon?

22 A. I think what he -- well, do you mind if I refer to
23 my report?

Mart 6/10/15

27

1 Q. You may.

2 A. Based on what he was telling me, that he saw a
3 \$400 charge that appeared on his mortgage that he
4 didn't think belonged there, and then he began
5 pursuing this, talking to people, and then, to be
6 clear, when you get into this type of thing with
7 Mr. Sykes, or at least when I did, he becomes very
8 circumstantial. That's a term of art. In other
9 words, he gives you a very involved story which is
10 really more information than I needed. He will
11 get back to the point eventually, but there's a
12 lot of who did what to who and what was right and
13 what was wrong and how individuals fabricated
14 documents and that type of thing. But my
15 impression was that he got very involved in trying
16 to resolve this issue and never really gave me a
17 good answer as to why he didn't do what I thought
18 would be the obvious thing. You know, if I got a
19 notice, "Honey, we're being foreclosed. I don't
20 know what's going on here," the first thing I
21 would do is I would get a lawyer and say, "Look,
22 can you get an injunction or something?" Right.
23 And I really never got a good answer about that.

Mart 6/10/15

28

1 Q. You never got an answer from Mr. Sykes?

2 A. Yes.

3 Q. Based on your discussions with Mr. Piro and
4 Mr. Sykes was it your understanding that when Mr.
5 Piro started counseling Mr. Sykes one on one, the
6 focus of that counseling was the issues
7 surrounding Mr. Sykes' mortgage?

8 A. Right. Mr. Piro came to believe that Mr. Sykes
9 was suffering from what he termed PTSD/Legal Abuse
10 Syndrome, and that that became the focus of their
11 work.

12 Q. Now, in your opinion the diagnosis by Mr. Piro of
13 Mr. Sykes having PSTD [sic] syndrome was an
14 incorrect diagnosis?

15 A. I thought so, yes.

16 Q. And that's because Mr. Sykes didn't meet the
17 diagnostic criteria for PSTD?

18 A. Right. The entry criteria, and you can look at
19 DSM-IV or DSM-5, is that you have to suffer some
20 type of experience where you thought that you
21 might die or be seriously injured or somebody
22 close to you has that experience, and that
23 experience fills you with fear and terror and

Mart 6/10/15

29

1 panic. You know, bad things can happen to people,
2 but this was not that type of thing.

3 Q. Now, you also spoke with Mr. Sykes' son, Peter, by
4 phone; do you see that?

5 A. Yes.

6 Q. Did you speak with Mr. Sykes' son Peter one time?

7 A. Just one time.

8 Q. Do you recall how long you spoke with him?

9 A. Again, like 15, 20 minutes.

10 Q. And does your report summarize what you thought
11 was important and relevant for your evaluation of
12 Mr. Sykes, the information you learned from his
13 son Peter?

14 A. Yes.

15 Q. Did you interview anybody else other than Mr.
16 Piro, Peter Sykes, and Lewis Sykes himself?

17 A. You know, I believe I made an attempt to talk -- I
18 suggested it might be good to talk to his ex-wife
19 and was discouraged from doing so by his attorney.

20 Q. Did his attorney tell you why she didn't think
21 that was a good idea?

22 A. You know, I don't remember the exact wording of
23 it, but I think that there was sufficient tension

Mart 6/10/15

30

1 between the two of them that she didn't think that
2 it would be a useful conversation.

3 Q. Let me ask you some questions about the section
4 "Mental Status Examination." Did you conduct this
5 examination on September 23, 2014 when you met
6 with Mr. Sykes?

7 A. Yes. And can I explain a little bit what that is?

8 Q. You may.

9 A. You know, when you go to a psychologist or a
10 physician, there's two phases of what they're
11 doing. Symptoms are what I say I have. "I have a
12 terrible headache." Signs are what I, what the
13 doctor observes. You know, "I have eczema,"
14 whatever, right? While you're doing everything
15 else, while you're inviting the person in from the
16 waiting room, while you're talking to them, you're
17 looking at things like what's their speech and
18 language like? What's their thought content like?
19 Do they have any movement abnormalities? So these
20 are basically my perceptions of his behavior in
21 these areas.

22 Q. Can you tell me whether or not your perceptions as
23 you noted them in your report are relevant to your

Mart 6/10/15

31

1 ultimate diagnosis?

2 A. They had some bearing on it. I thought that there
3 was some, some of the things he was saying in the
4 course of my conversation with him raised a
5 question of paranoid thinking, which I think does
6 play a role in his situation. I thought that he
7 had limited insight into his problems, personal
8 problems. Although his judgment for things like
9 why don't you leave a child around a lit candle
10 unsupervised, you know, was intact, he -- you
11 know, that's where I noticed some of the
12 circumstantiality. He was quite talkative, but
13 there was nothing there at that point that was
14 suggestive of any kind of organic problem.

15 Q. Did Mr. Sykes, when you made these observations --
16 strike that.

17 In making these observations of Mr. Sykes,
18 did you see any sign of mental incompetence?

19 A. Not in and of itself. I thought that some of the
20 circumstantiality and paranoia might play a role.
21 I mean, these are things that help you form
22 initial hypotheses.

23 Q. Would it be fair to say that based on your

Mart 6/10/15

32

1 observations of Mr. Sykes as set forth in your
2 report, you didn't see any sign or you didn't
3 conclude that Mr. Sykes was mentally incompetent?

4 A. No. There was -- sometimes people are so impaired
5 that you immediately have questions about their
6 competence, and there was nothing in that part of
7 it that made me think that immediately.

8 Q. The next section of your report is entitled,
9 "Clinical Interview," and as I understand it, that
10 summarizes your interview of Mr. Sykes?

11 A. Yes.

12 Q. And would I be correct in saying that you've noted
13 all of the information you learned from that
14 interview that you deemed to be relevant and
15 important to your diagnosis?

16 A. Yes.

17 Q. Was it your understanding that Mr. Sykes had no
18 history of mental illness?

19 A. None that he mentioned.

20 Q. I'm going to ask you some questions starting at
21 the bottom of page 4.

22 A. Okay.

23 Q. That last paragraph of your report. Now, I see

Mart 6/10/15

33

1 that Mr. Sykes explained to you or described to
2 you his current situation. Do you see that?

3 A. Yes.

4 Q. And just tell us what you recall of that,
5 summarize for us.

6 A. He told me about these problems with his house
7 starting in 2008, and he also talked about a
8 problem that had occurred before; that he had a
9 contractor who did some work for him on his house.
10 He wasn't satisfied with it. And he talked about
11 how he had gone through a long legal process and
12 spent \$35,000 to recover \$25,000. And then he
13 started talking about his, what he thought was an
14 incorrect charge on his mortgage bill, his
15 attempts to meet with people to get answers, and
16 his inability to do so. I should -- as you can
17 see in the last line, it was difficult to keep up
18 with him at times and he would go off on these,
19 you know, I guess tangents about things that I
20 didn't entirely understand what he was talking
21 about. So he was talking, for example, about
22 going to some kind of -- and it's not in here;
23 that's why I mentioned it -- going to some kind of

Mart 6/10/15

34

1 open house kind of thing where they had people
2 from the state and people who did mortgages and
3 trying to talk to people and going to different
4 boards and not getting any response, but that's --
5 he also told me he thought people had impersonated
6 him during the process, and that he simply
7 couldn't resolve the problem.

8 Now, I kept asking, well, you know, "What
9 was" -- you know, "Why not do what appears to me
10 to be the obvious thing, which is go get a
11 lawyer?" And I suspect, but don't know, that if
12 there's an ambiguous situation, a judge would say,
13 "Well, let's all hold off for a minute till we get
14 this sorted out," and I never really got a good
15 answer for that.

16 Q. When he described going to open houses and boards,
17 was that after his house was foreclosed upon and
18 he was doing research?

19 A. It was -- it was not clear to me. I think it
20 was -- my sense was he did some of that before the
21 actual foreclosure, and then there was some of
22 that after as well, but I think a lot of it was
23 before.

Mart 6/10/15

35

1 Q. You say in this last paragraph on page 4 towards
2 the end, "I asked Mr. Sykes how he came to miss
3 the deadline for filing his lawsuit. He told me
4 that he had to relocate to Seabrook, New
5 Hampshire. His wife left him, in part because she
6 felt he was responsible for the loss of the family
7 home, and he could not work because there was no
8 place he could refinish furniture in his rental
9 home, and he also reports that he contacted
10 several lawyers but they were ineffective in
11 assisting him."

12 Mr. Sykes describes some circumstances, but
13 did he ever specifically tell you why it is he
14 missed the deadline?

15 A. No.

16 Q. Okay. Did Mr. Sykes ever say to you -- strike
17 that.

18 In your conversation with Mr. Sykes did he
19 ever say to you that he thought he was mentally
20 incompetent at any time?

21 A. No, he did not. I mean, he talked about being
22 upset, being depressed, having difficulties. I
23 think -- you know, I think that he's an individual

Mart 6/10/15

36

1 who is ambivalent about sort of making that case.
2 In other words, it's a case that he would have to
3 sort of make, but I don't think he likes to say,
4 "I went to pieces and couldn't do it," because he
5 doesn't like to think of himself as the type of
6 person that would do that.

7 Q. But in his describing for you why he missed a
8 deadline, he never said, "I missed the deadline
9 because I was mentally incompetent"?

10 A. No.

11 Q. Did he ever tell you why the attorneys he
12 contacted were ineffective in assisting him?

13 A. I think he -- I tried to elicit that and did not
14 get the kind of answer that I could sort of
15 present in a linear fashion in the report. In
16 other words, it wasn't like he said, "Well, I went
17 to see Lawyer Smith and Lawyer Smith was drunk all
18 the time and never filed," or "I had an
19 inappropriate assistance of counsel." That he
20 kind of implied there were difficulties, but never
21 came out and said that that was the reason.

22 Q. Did he ever say that he fired any attorneys that
23 he met with or retained?

Mart 6/10/15

37

1 A. I have some recollection of his talking, having
2 worked with one lawyer initially and having
3 temporarily had gotten things slowed down or
4 stopped, but it wasn't clear why that didn't
5 continue.

6 Q. Was it your impression that Mr. Sykes recognized
7 that in order to deal with the foreclosure on his
8 house, he needed assistance of a lawyer?

9 A. I think that, once again, my sense was that he was
10 ambivalent about that. In other words, I think
11 that he went back and forth between thinking he
12 could handle it by himself and that he probably
13 could use a lawyer if he could get a good one, you
14 know, or the right one, but that he was unable to
15 do that for whatever reason.

16 Q. Was it your impression that Mr. Sykes recognized
17 that in order to deal with the foreclosure of his
18 house, it involved a legal issue; he had to have
19 some legal recourse, if you will?

20 A. That I think he understood.

21 Q. Was it your impression that he understood that
22 from the time his house was foreclosed upon up
23 until the time you interviewed him?

Mart 6/10/15

38

1 A. I'm sorry?

2 Q. Sure. Was it your impression that Mr. Sykes
3 understood from the time his house was foreclosed
4 upon up until the time you interviewed him in
5 September of 2014 that in order to deal with the
6 foreclosure of his house, that involved a legal
7 issue, and he needed some sort of legal recourse?

8 A. I think he knew he needed legal recourse, yes.

9 Q. But -- was it your impression that he knew that
10 throughout this time, and that he was seeing
11 lawyers throughout this time, but for whatever
12 reason they weren't able to assist him?

13 A. That was the impression he gave me.

14 Q. The next section of your report summarizes various
15 tests that you administered on Mr. Sykes.

16 A. That's correct.

17 Q. Let me ask you generally, why did you administer
18 these various tests?

19 A. Well, one, you know, as you're talking to somebody
20 and looking at the material, you're turning over
21 different hypotheses as you're going along. With
22 a 70-year-old man one thing that occurred to me
23 was that he may be -- he might have some type of

Mart 6/10/15

39

1 dementia that something was going on with him and
2 that it was organic in nature. And there were
3 some things that would, you know, about his
4 behavior that were suggestive of that. So I gave
5 him an IQ test to see how he would do on that.
6 And I also did the screening module of the
7 neuropsychological assessment battery to determine
8 whether there was any obvious problem with any of
9 his cognitive processes.

10 Q. Would I be correct in saying that as a result of
11 giving Mr. Sykes the IQ test and the Reynolds
12 Adaptive Intelligence Test, you determined that
13 Mr. Sykes was an intelligent person and scored
14 either above average or average in each category?

15 A. Right.

16 Q. The same would be for the neuropsychological
17 assessment battery; Mr. Sykes scored average or
18 above average in each category?

19 A. Yes.

20 Q. So as a result of those two tests you determined
21 that Mr. Sykes was not suffering from any
22 cognitive dysfunction; is that correct?

23 A. That's correct. I mean, there's nothing wrong

Mart 6/10/15

40

1 with the hardware.

2 Q. In other words, you found Mr. Sykes to be a smart,
3 intelligent, well-educated person?

4 A. Yes.

5 Q. You then administered the personality assessment
6 inventory; do you see that?

7 A. Yes.

8 Q. What did you conclude after doing that test?

9 A. Well, he was moderately defensive on the test,
10 which means that he was minimizing to some extent.
11 He was not admitting to minor shortcomings that
12 most of us would admit to if we're being honest.
13 That it wasn't enough to invalidate the test, and
14 there are some indexes that allow you to know
15 whether it's a personality style or whether
16 someone is purposely trying to look better than
17 they really are, and he didn't appear to be
18 purposely trying to do it. That's kind of how he
19 sees himself. He's kind of rigid. And so he --
20 probably his scores on the scales may be lower in
21 some cases than is objectively the case.

22 Q. As a result of administering that test, did you
23 discover any problems with his, as you put, the

Mart 6/10/15

41

1 hardware, his cognitive ability?

2 A. Well, this one wouldn't really assess cognitive
3 ability, but I didn't think there were any
4 problems with that. He did have some -- you know,
5 when someone is being defensive, you can still
6 interpret elevations. They may in reality be
7 higher than what that person is saying, but there
8 were some indications that he was having
9 physiological signs of anxiety, and he had an
10 elevation on the, one of the subscales, the
11 anxiety-related disorders traumatic stress scale.

12 Q. In other words, he exhibited some anxiety for some
13 reason?

14 A. Right. The anxiety comes in like three different
15 flavors. You break it out. You know, there's
16 like worry. You know, "I ruminate about things."
17 There's a kind of an emotional sort of sense of
18 dread, that type of thing. And then there's the
19 physiological signs, where you basically have --
20 you're short of breath, have trouble sleeping,
21 you're jumpy, and that's what was predominant in
22 his anxiety.

23 Q. Did you make an assessment of what was causing

Mart 6/10/15

42

1 that?

2 A. You know, it doesn't -- the test does not allow
3 you to specifically go back and draw a line
4 between a particular event. The same with the
5 trauma-related scale.

6 Q. The next test was the trauma symptom inventory,
7 and am I correct in saying that Mr. Sykes's scores
8 on that test were normal?

9 A. On the validity scales they were normal.

10 Q. Were there some other scales that were not?

11 A. Well, he had an elevation on the hyperarousal
12 scale. He's jumpy, vigilant, concerned about
13 threats. And also an elevation on the defensive
14 avoidance scale, which was conscious attempts to
15 keep certain unpleasant or disturbing thoughts and
16 feelings out of consciousness.

17 Q. So the hypervigilant, jumpy elevation was similar
18 to what we saw in the prior test?

19 A. Yes.

20 Q. And the trying to keep unpleasant thoughts, is
21 that a rather normal thing?

22 A. Well, it is, although if you get up high enough,
23 if you elevate, that means you are doing it a lot

Mart 6/10/15

43

1 more than most people.

2 Q. Did you determine any significance of either of
3 those two elevations?

4 A. Well, I think it was -- it's consistent with
5 descriptions from his other clinician in a general
6 way. It indicated that something was bothering
7 him, and that there was some trauma-related
8 response to something that had occurred to him.

9 Q. But that's in a general way, because you're not
10 able to, as you say, linearly attach that or
11 relate that to a specific causal event?

12 A. Right.

13 Q. And then the last test that you administered was
14 the Shedler-Westen Assessment Procedure. Do you
15 see that?

16 A. Right. The SWAP 22 -- 200.

17 Q. And what was your assessment of Mr. Sykes after
18 reviewing the results of that test?

19 A. This is a test that's more related to personality
20 disorders than to what we call Axis I disorders.
21 It's not something that you give to him. It's
22 something that I rated him on. And I thought that
23 he had clear signs of what's referred to as

Mart 6/10/15

44

1 obsessive-compulsive personality disorder, which
2 is different from OCD, in that he has a very rigid
3 style, you know, very rational attempts to cope
4 with things by doing what he considers to be the
5 right thing. People who know them, people like
6 this, generally see them as kind of rigid, kind of
7 emotionally constricted. They can be kind of
8 judgmental and they build up pockets of resentment
9 when they feel things are not being done right.
10 And, in part, because they under-respond. I mean,
11 there are times when you should express some
12 irritation. He kind of sits on that until it's
13 too late.

14 Q. I understand that these last several tests we
15 reviewed are geared towards personality disorders?

16 A. The last one in particular.

17 Q. In any of these tests that you administered with
18 Mr. Sykes, did you see any evidence that Mr.
19 Sykes, either the day of the assessment or any
20 time prior to the assessment, exhibited any signs
21 of mental incompetency?

22 A. To some extent, yes.

23 Q. Tell me what.

Mart 6/10/15

45

1 A. You know, when people come for certain types of
2 assessments, there's kind of what we call a press
3 to have a certain type of result. In other words,
4 if I come to you and you're going to represent me
5 in a personal-injury assessment, a hearing, and
6 I've been hit by a car, been in a car accident,
7 and I feel that, in addition to my injuries, I
8 have all kinds of mental distress. Well, you
9 know, people shouldn't lie about that, right? But
10 the purpose of going for that evaluation is to
11 explain to the psychologist why you have so much
12 distress, right? Mr. Sykes really didn't get
13 that. He didn't really understand -- it's as
14 though he did not understand why he was in my
15 office that day. You know, what I would expect in
16 some cases would be for somebody to exaggerate.
17 You know, "When this hit me, I fell to pieces. I
18 couldn't concentrate. I couldn't sleep. You
19 know, I just couldn't function, and the reason
20 that I couldn't respond in a timely fashion was
21 that I was such a basket case."

22 Mr. Sykes was coming in and kind of being
23 defensive about things. In other words, he was --

Mart 6/10/15

46

1 what he was kind of saying was, "I'm okay. I'm in
2 pretty good shape, and I'm a victim of
3 circumstance," but that's not, in theory, why he
4 was there. He was there to -- in other words, his
5 lawyer was making a case that he had lacked
6 capacity at the time this was done, right? But he
7 was resistant to telling me why he might lack
8 capacity. So that's -- he seemed to lack insight
9 into the basic dynamics of the process. That was
10 one general thing that I observed.

11 Q. How is that lack of insight evidence of lack of
12 mental capacity?

13 A. It's not in and of itself lack of capacity, but I
14 think it goes along with, you know, understanding
15 the nature of the transaction. In other words,
16 what are we here for today, right? You know, I'm
17 here to sort of make the case that I didn't have
18 capacity at that time, right? And he apparently
19 didn't understand or is resistant to understanding
20 what the dynamics were, despite it having been
21 explained, according to his lawyer, on many
22 occasions.

23 Q. Could it be equally an explanation that he

Mart 6/10/15

47

1 understood, he just didn't agree?

2 A. You know, I think that could be part of it. I
3 mean, one thing that happens sometimes is when you
4 see somebody with multiple lawyers is that the
5 lawyers are telling them things that are accurate,
6 but they don't want to hear it particularly. And
7 that could be one of the things that was going on
8 here. Whether that represents -- you know,
9 whether that's something that the person couldn't
10 do or was unwilling to do or to what extent that
11 was under their control becomes a little more
12 difficult to pin down.

13 Q. Given the fact that Mr. Sykes is an intelligent,
14 educated man and understood things that were going
15 on, is it equally likely that it was just his
16 personality that resulted in his delay, if you
17 will, as opposed to any mental incompetency?

18 A. You know, I mean, I guess I could cop out and say,
19 "That's for the court," but, you know, because
20 what I'm trying to do is give a description of how
21 he got to where he got to assist the fact finder.
22 I think that there -- this is a little bit unusual
23 because usually, when you talk about incompetence,

Mart 6/10/15

48

1 a civil incompetence, it's like, you know, "I can
2 no longer balance my checkbook." It's something
3 really obvious, right? "I don't even know what a
4 checkbook is anymore." Right. Mr. Sykes
5 understood that there are lawyers, understood that
6 there are courts, understood in theory there were
7 means to address this. And for reasons which I
8 believe are associated with his personality
9 structure couldn't quite pull it together to do
10 what he had to do to prevent this from happening,
11 assuming the facts as presented to me are
12 accurate.

13 Q. Isn't that more his personality, rather than his
14 mental incompetency? It's the way he is, rather
15 than he can't intelligently understand it because
16 he doesn't have the mental capacity to do so?

17 A. I think you have to -- I mean, the structure that
18 I was using when I was doing this is derived from
19 Thomas Grisso's work. And basically there's two
20 issues. One of them is the person's strengths and
21 weaknesses in the abstract, and then there's what
22 Grisso refers to as the person in situation. In
23 other words, to what extent does this person's

Mart 6/10/15

49

1 strength and weaknesses allow them to do what
2 they've got to do to be considered competent to do
3 something at that point.

4 I think that -- I guess the argument I'm
5 making is that because of his kind of rigidity,
6 obsessive pattern of thinking, difficulty taking
7 direction from anybody, the fact that he becomes
8 so outraged when he feels something is not done
9 properly or as he thinks it should be done was an
10 impediment to his doing what I thought was the
11 obvious thing in this process. And to that extent
12 I think that he had -- that his personality and
13 the situation created problems for him doing what
14 he had to do.

15 Q. The personality traits that he has, rigidity and
16 so forth you described, is it your opinion that
17 he's had these for quite some time?

18 A. Yeah. Yes, I do.

19 Q. Typically, people who exhibit those traits have
20 them from adolescence or early adulthood on; is
21 that correct?

22 A. Probably. I mean, you wouldn't diagnose a
23 personality disorder before 18, but that's just

Mart 6/10/15

50

1 arbitrary. You know, he probably had these traits
2 from early adulthood to the present time.

3 Q. And, obviously, at some point Mr. Sykes initiated
4 a lawsuit because we've already marked as an
5 exhibit the third amended complaint of the lawsuit
6 and we are here today because he initiated a
7 lawsuit?

8 A. Yes.

9 Q. So at some point, even though he's had these
10 traits for some time, the traits didn't prevent
11 him from eventually filing a lawsuit, correct?

12 A. Right. My understanding is that he finally showed
13 up at Attorney Harman's office, told her his view
14 of things, showed her some documentation, and she
15 sort of asked the same question that I asked,
16 which is, "So why didn't you just, you know, hire
17 somebody earlier on? Now you missed a deadline."
18 Right? And this raised questions for her about
19 why he didn't do that. And she thought an
20 evaluation would be helpful to help give
21 information about that. To, you know, to the
22 extent that he, you know, knew to address these
23 specific legal issues, I don't know.

Mart 6/10/15

51

1 Q. Do you know if -- strike that.

2 I take it that you learned that from your
3 discussion with either Attorney Harman or Mr.
4 Sykes?

5 A. It was Attorney Harman.

6 Q. And do you know if there was anything different in
7 terms of Mr. Sykes seeing Attorney Harman versus
8 Mr. Sykes seeing the other attorneys he saw before
9 her?

10 A. I don't know what the interaction was like. I
11 didn't speak to the previous attorneys. I do
12 recall her telling me that it took her a long time
13 to sort of sort out what his situation was. In
14 other words, he presented a lot of information to
15 her. She had difficulty sort of like, so, you
16 know, finding the handle legally of what was going
17 on here; and that it was basically through
18 reviewing documents and that type of thing that
19 she began to understand the contours of the case;
20 that it was difficult to get that from him.

21 Q. Now, when we refer to having missed the deadline,
22 do you know what the deadline was for him to file
23 suit?

Mart 6/10/15

52

1 A. I think it's in the complaint. I don't recall
2 what it was.

3 Q. But do you recall Attorney Harman telling you that
4 he had missed the deadline to file suit and she
5 wanted an evaluation of him in terms of a reason
6 why he might have missed the deadline?

7 A. Yes.

8 Q. Let me ask you some questions about your summary
9 and conclusion --

10 A. Sure.

11 Q. -- portion of your report.

12 Now, you start off by saying, "The results of
13 this evaluation indicate that Mr. Sykes has above
14 average intellectual abilities." Do you see that?

15 A. Yes.

16 Q. And you also say that "His neuropsychological
17 screening indicates that his attentional,
18 language, memory, spatial, and executive function
19 abilities are all average or above average, which
20 is strongly indicative of normal cognitive
21 functioning." Do you see that?

22 A. Yes.

23 Q. I might have asked you before, but I'll repeat it.

Mart 6/10/15

53

1 In other words, in laymen's terms Mr. Sykes is
2 intelligent, well-educated?

3 A. Yes.

4 Q. He has rational thought?

5 A. For the most part.

6 Q. He's able to solve problems?

7 A. Generally.

8 Q. He can function day to day?

9 A. Right. I mean, he takes care of himself. He --
10 you know, I think at this point he's handling his
11 finances. It wouldn't have occurred to me to
12 suggest that he needed a guardian or something
13 like that.

14 Q. Are you aware of whether at any time during the
15 past 10 years Mr. Sykes was unable to provide for
16 his personal needs, his food, his clothing, his
17 shelter, his health, and safety?

18 A. Nobody that I spoke to who knew him -- Mr. Piro,
19 his son, his attorney -- no one said that he had
20 those problems.

21 Q. You're familiar with guardianship proceedings?

22 A. Yes.

23 Q. And would it -- would I be correct in saying that

Mart 6/10/15

54

1 you're not aware of any evidence that would lead
2 you to believe that at any time Mr. Sykes was in
3 need of having a guardian appointed for him?

4 A. No. I don't think so.

5 Q. You're also aware of the legal standard for
6 testamentary capacity; is that right?

7 A. Yes.

8 Q. And is it your opinion that Mr. Sykes at all times
9 has had testamentary capacity?

10 A. You know, I didn't assess it directly, but that's
11 such a low bar that, I mean, he -- I mean, he knew
12 who his relatives were. He has an idea of what
13 his money is, you know, so I think it didn't raise
14 any issues for me.

15 Q. Are you aware of any standard under New Hampshire
16 law for legal or mental capacity other than the
17 guardianship standard and the testamentary
18 standard that you've been involved with?

19 A. Capacity to consent to sexual activity has been an
20 issue. Medical decisions has been -- has come up.
21 A lot of these are subsumed under guardianship.
22 Capacity to -- all the things you would check off
23 on a guardianship form, so voting, marrying, that

Mart 6/10/15

55

1 type of thing.

2 Q. And in your opinion Mr. Sykes has always had the
3 necessary capacity for each of those items?

4 A. Yes.

5 Q. The next part of your summary conclusions talks
6 about Mr. Sykes from an emotional standpoint.

7 A. Correct.

8 Q. And as I understand it, you diagnosed him with
9 some emotional issues; is that right?

10 A. Yes.

11 Q. And you describe them as longstanding obsessional
12 personality pattern. Do you see that?

13 A. Yes.

14 Q. As you said a moment ago, he's probably had that
15 since early adulthood?

16 A. Right.

17 Q. You go on to say, "It's very different from
18 obsessive-compulsive disorder." Could you explain
19 to us why it's very different from compulsive,
20 from obsessive-compulsive disorder?

21 A. Well, one big difference is that
22 obsessive-compulsive disorder, the two main
23 classifications of mental conditions, one of them,

Mart 6/10/15

56

1 one group is referred to as ego-alien. The other
2 group is referred to as ego-syntonic. And I hope
3 I don't have to spell syntonic. But the idea
4 would be is that if somebody suddenly had
5 developed major depression, they would feel like
6 something wasn't right. They would go to their
7 doctor. They would -- just like if you got the
8 flu suddenly, you'd say, "This is not how I
9 normally feel. Something is wrong here." Right?
10 Personality disorders are generally ego-syntonic.
11 In other words, it would be like, you know, if you
12 have a narcissistic friend and you say, "Well, you
13 seem to think the world revolves around me," they
14 would say, "Well, what's your point?" It's
15 something that they see as normal as who they are
16 or as part of their identity. And it generally
17 causes problems -- well, many of them cause
18 problems for other people more than they cause
19 problems for the person who has that condition.
20 The other thing is that it's a longstanding
21 maladaptive pattern as opposed to, you know,
22 somebody suddenly breaks through and has a manic
23 episode, they go to the doctor, they get treated,

Mart 6/10/15

57

1 and then that stops for a period of time.

2 Whereas, I think this is kind of who he is, except
3 that it's out on an extreme. It's different from
4 the -- and presents problems in functioning.

5 Q. Okay. Would it be fair to say that Mr. Sykes's
6 emotional issues or symptoms are something that
7 have been longstanding with him and the way he is?

8 A. Yes.

9 Q. Would it also be fair to say that there's a
10 distinction between his emotional issues, the way
11 he is, and whether or not he's an intelligent
12 person, whether he has mental capacity to
13 understand things?

14 A. Yes. I mean, I think if you're looking at things
15 that might cause problems for him, certainly it's
16 not his intellectual ability and it's not his
17 information-processing ability.

18 Q. These traits he has, the way he is, such as, you
19 know, preoccupation with details or making lists
20 or the other things you described that have some
21 effect, that could have an effect on some of the
22 things he does or the way he does things?

23 A. Right. And I think most of the time in his life

Mart 6/10/15

58

1 it has worked well for him. I think he's got
2 himself into situations where that was perfect for
3 him. I do evaluations of people who want to be
4 air traffic controllers, and you can't be one if
5 you have a serious mental illness, but if you have
6 a little bit of OCD, that's okay with them,
7 because then there's attention to detail and
8 following protocol and that type of thing, and I
9 think that's the kind of individual that he is.

10 Q. In other words, for some activities and for some
11 jobs it's an advantage to have some of these
12 traits?

13 A. Yes.

14 Q. Let me ask you this question. In your opinion do
15 you think Mr. Sykes has suffered from a mental
16 illness or impairment that so severely impaired
17 his ability that he couldn't pursue legal relief
18 or communicate with lawyers?

19 A. I think that -- I think that it did. You know, I
20 think it's not as obvious or severe as what you
21 would normally see, but I think that there was
22 something about this particular situation that
23 really took him out of his normal functioning

Mart 6/10/15

59

1 zone.

2 Q. Can you tell us what period of time that occurred?

3 A. I think it occurred -- I think when he first --
4 well, even maybe before, but when he first got,
5 was aware that something, there was some kind of
6 wrong charge on his mortgage.

7 Q. Do you know over what period of time it lasted and
8 where it ended?

9 A. I think it's still going on.

10 Q. Do you think that as a result he has an inability
11 to rationally think about issues related to his
12 mortgage?

13 A. I think that his ability to do that is impaired.
14 I don't think that he has a complete lack of grasp
15 of the issues involved. I think that he
16 understands in certain ways the broader issues,
17 but seems to get very, very hung up on some of the
18 minutiae to the extent that he simply doesn't take
19 action.

20 Q. To put it another way, you think that he gets so
21 focused on some of the trees, that he loses sight
22 of the forest?

23 A. That's exactly what I was thinking.

Mart 6/10/15

60

1 Q. To continue with that analogy, he can understand
2 the forest and understand the forest exists and
3 the forest needs to be dealt with, but at times he
4 gets so focused on the trees, that he loses sight
5 of those things about the forest?

6 A. Yes. And I also think that he's gotten so wound
7 up about this that there's been what we refer in
8 the business as a little cognitive slippage. I
9 mean, it leaks out occasionally. I mean, I guess
10 it's conceivable that people have been forging his
11 signature and impersonating him. In my experience
12 it's unlikely. I mean, I'm prepared to be told
13 I'm wrong about that, but that starts to shade off
14 into kind of paranoid thinking about the
15 situation. And one other factor, I think, is this
16 business of him always knowing better than the
17 people he is going to for assistance.

18 Q. Following up on that last trait, would I be
19 correct in saying that given Mr. Sykes's
20 intelligence level, he can comprehend what someone
21 else is telling him, he can comprehend what a
22 lawyer is telling him, he just thinks differently
23 and believes differently and, therefore, his

Mart 6/10/15

61

1 belief is going to control what he does?

2 A. Yeah. I think that's pretty accurate. And I also
3 think that he's so rigid about his view of the
4 situation, that being -- when he gets what he
5 considers to be some bad news about it, he simply
6 can't assimilate that.

7 Q. And bad news being somebody has a different view
8 than his view?

9 A. Right. I mean, it would be as though I went to a
10 reputable -- I don't know. I keep coming back to
11 personal injury -- went to a reputable personal
12 injury attorney, right, and they told me, "Listen,
13 Eric, this is worth about \$50,000, right?" And I
14 said, "No. By God, it's got to be \$5 million."
15 And it didn't matter how many attorneys I spoke
16 to, I insisted that it was worth \$5 million,
17 despite reading up and finding out what these
18 things are generally worth and a consensus of
19 different people you talk to. I think there's a
20 sort of cognitive rigidity that makes it difficult
21 for him to take direction.

22 Q. To follow up on your last analogy, you recognize
23 that "There was an accident. I have a claim.

Mart 6/10/15

62

1 It's a legal claim that I can recover on, but I
2 know, based on my review, it's a \$5 million claim,
3 not a \$50,000 claim"?

4 A. Right, right.

5 Q. Is it your opinion that given his rigidity and his
6 strongly-held views on what he perceives occurred,
7 that Mr. Sykes really has an agenda in pursuing
8 his claim?

9 A. Maybe you can clarify that for me a little bit.

10 Q. Sure. You've described various personality traits
11 such as rigidity and the fact that his views are
12 strongly held and that he sometimes thinks he, for
13 lack of a better term, knows better, if you will,
14 and wants to right a wrong, and that's an
15 important or characteristic of the traits that
16 you've seen. Given all that, do you think that
17 Mr. Sykes has an agenda in pursuing his claim? He
18 wants to right the wrong as he sees it?

19 A. I think a big piece of this is because of the way
20 he's set up. He wants vindication. In other
21 words, whereas I think most people, maybe they
22 struggle with their lawyer a little bit, but might
23 say, "Well, look, if that's what it's worth,

Mart 6/10/15

63

1 that's what it's worth. If this is what I can
2 recover, that's -- you know, I mean, you're my
3 lawyer. I trust you. We developed a
4 relationship." I think that he wants this wrong
5 righted, and he wants it righted in a way that he
6 thinks it should be righted.

7 MR. PAPPAS: I'm going to suggest just a
8 five-minute break because I need to visit the
9 men's room, and I'm going to shift to something
10 else. This is a good time to do that. I mean
11 typically I -- off the record.

12 (Discussion off the record.)

13 Q. (BY MR. PAPPAS) Let me just finish up with your
14 report, Dr. Mart. On page 8 you state at the end
15 of the first paragraph that "At the present time I
16 would diagnose him," meaning Mr. Sykes "as
17 follows: First with other specified trauma and
18 stress-related disorder." Do you see that?

19 A. Yes.

20 Q. Would you tell us why you made that diagnosis?

21 A. That's kind of a diagnosis that's in DSM-5 that
22 kind of recognizes that people can be affected by
23 negative events but don't necessarily have to be

Mart 6/10/15

64

1 in a life-threatening situation. So his
2 defensive, avoidance, and hypervigilance, as
3 measured by some of the instruments I gave,
4 related to an identifiable stressor would seem to
5 qualify him for that.

6 Q. That diagnosis does not necessarily mean that he
7 is mentally incompetent; is that right?

8 A. That is correct.

9 Q. The second diagnosis was obsessive personality
10 disorder. Can you tell us why you made that
11 diagnosis?

12 A. Based on the results of my testing and my
13 observations and sort of the history of his
14 situation, I think that that was the appropriate
15 diagnosis because of his rigidity and sort of
16 obsessive attention to detail.

17 Q. That diagnosis also does not necessarily mean that
18 someone is mentally incompetent, correct?

19 A. That's correct.

20 Q. Someone such as Mr. Sykes can have both of these
21 diagnoses and be mentally competent, correct?

22 A. Right.

23 Q. And in your opinion Mr. Sykes is mentally

Mart 6/10/15

65

1 competent on the day you examined him?

2 A. In a general sense, yes. I think that most, most
3 of the domains, like I said, the ones you click
4 off on the guardian form, he's quite capable of
5 taking care of himself.

6 Q. And always has been?

7 A. Yes.

8 Q. Now, when you prepared your report and made your
9 diagnoses and assessments, were you aware whether
10 or not Mr. Sykes had filed complaints to pursue
11 his claims with agencies or persons other than the
12 courts?

13 A. I think he mentioned that he had talked to like
14 the state commission and other groups that he said
15 were supposed to be helpful in these types of
16 situations.

17 Q. For instance, did he mention that he filed a
18 complaint with the banks themselves?

19 A. Yeah. Yes. I think I recall that.

20 Q. Did he mention he filed a complaint with the
21 Office of the Comptroller of the Currency?

22 A. I don't recall that one, but he may have.

23 Q. Do you recall that he -- did he mention that he

Mart 6/10/15

66

1 filed complaints with, for instance, Senator
2 Ayotte's office?

3 A. I think he did talk about complaining to various
4 legislators.

5 Q. I want to -- strike that.

6 The very last paragraph of your report you
7 summarize your opinion. Do you see that?

8 A. Yes.

9 Q. In reaching your opinion and conclusion, did you
10 rely on any data other than what we've already
11 discussed in your deposition?

12 A. I think that we pretty much covered it.

13 Q. Would it be also fair to say that we've covered in
14 your deposition how it is you linked the data and
15 the symptoms you describe to your opinion?

16 A. Yes.

17 Q. What I want to do finally is just to go through
18 your file and mark some documents, and to make it
19 easier I'm going to come around and stand next to
20 you if you don't mind.

21 A. Sure.

22 Q. The first document looks to be three pages of
23 handwritten notes. Are these your notes?

Mart 6/10/15

67

1 A. Yes.

2 Q. And are these notes you took when you interviewed
3 Mr. Sykes?

4 A. That's correct.

5 Q. So the information in these notes would have been
6 things that Mr. Sykes told you?

7 A. I believe so. There may be some comments and
8 things that I observed as well.

9 MR. PAPPAS: Could we mark this as the next
10 exhibit.

11 (Exhibit 5 marked.)

12 A. This is a continuation of this.

13 Q. Ah. So Exhibit 5 is a continuation of this
14 document in my hand?

15 A. Right. I use a check box to get basic
16 information, and then those are freehand notes.

17 MR. PAPPAS: Why don't we mark this as
18 Exhibit 5A.

19 (Exhibit 5A marked.)

20 Q. Dr. Mart, so that I understand correctly,
21 Exhibit 5A is a form you use when you interviewed
22 Mr. Sykes?

23 A. Yes.

Mart 6/10/15

68

1 Q. And Exhibit 5 are some notes you took as part of
2 that interview, which are really a continuation of
3 your form which is 5A?

4 A. Right.

5 Q. Okay. The next document, tell us what that is.

6 A. That's just some notes I took while I was speaking
7 on the phone to Peter Sykes.

8 MR. PAPPAS: Mark that as the exhibit.

9 (Exhibit 6 marked.)

10 Q. Let me show you the next document in your file.
11 Would you tell us what that is?

12 A. Those are some notes I took contemporaneous with
13 my conversation with Steve Piro.

14 Q. Do you recall whether you took any other notes
15 than this one page of notes when you spoke to Mr.
16 Piro?

17 A. No. This was just to hit the high points and jog
18 my memory.

19 MR. PAPPAS: Okay. Can we mark that as the
20 next exhibit?

21 (Exhibit 7 marked.)

22 Q. Let me show the next document in your file. Can
23 you tell us what that is?

Mart 6/10/15

69

1 A. That's my mental status examination form.

2 Q. When would you have filled that out?

3 A. Probably while Mr. Sykes was taking one of the
4 tests when he's sitting at the computer.

5 MR. PAPPAS: Can we mark that as the next
6 exhibit?

7 (Exhibit 8 marked.)

8 Q. I'm going to show you four documents that are all
9 titled, "Authority to Exchange Information."
10 Would you just tell us what those are?

11 A. These are -- allows me to contact some people
12 here: Peter Sykes, Victor Piro, Lenny Fitzgerald,
13 and Glen Johnson.

14 Q. And would I be correct in saying that you spoke to
15 Peter Sykes; is that correct?

16 A. Yes.

17 Q. Did you speak to Victor Piro? Is that Mr. Piro?

18 A. Yes.

19 Q. And did you speak to Lenny Fitzgerald?

20 A. No.

21 Q. Did you speak to Glen Johnson?

22 A. No.

23 Q. Who suggested you speak to Mr. Fitzgerald and Mr.

Mart 6/10/15

70

1 Johnson?

2 A. You know, I believe the way that happened was
3 after we were done I said, "Why don't you give my
4 wife releases for people you think I should call,"
5 and there was never really any explanation for who
6 those people were.

7 MR. PAPPAS: Mark these as one exhibit.

8 (Exhibit 9 marked.)

9 Q. Let me show you a one-page document and ask you to
10 explain to us what that is.

11 A. That's just the intake form. That's what people
12 fill out in the waiting room.

13 MR. PAPPAS: Mark that as the next exhibit.

14 (Exhibit 10 marked.)

15 Q. Let me show you the next document. Tell us what
16 that is.

17 A. This is the sort of journal that Mr. Sykes sent
18 along or dropped off called "Day in the Life."

19 Q. We referred to that earlier in the deposition?

20 A. Yes. By the way, I just found the Steve Piro
21 letter.

22 Q. Is this all one document or --

23 A. You know, I don't know how that got hooked

Mart 6/10/15

71

1 together. Let me see here. I don't know whether
2 he included that. It's not clear to me where
3 the -- this appears to be by Mr. Piro, but then
4 there appears to be materials that go on to be --
5 I think this may be Mr. Sykes. Maybe there's more
6 of this in here somewhere. No. This -- I don't
7 know whether this was copied by Mr. Sykes and put
8 in here as part of this or how this got in here.
9 It's not signed. So that's...

10 Q. So what we're looking at are loose pages. The top
11 of it refers to the lawsuit, and then it refers to
12 Mr. Piro, and then there's something called
13 "Introduction" and then "Characteristics of
14 PTSD/LAS," and then several pages of type.
15 Sitting here today, is it your understanding that
16 Mr. Sykes dropped off this material to you?

17 A. Either dropped off or brought with him.

18 Q. And do you know who the author of this material
19 is?

20 A. Well, these pages here Mr. Piro appears to be
21 talking about himself in the first person, about
22 his perceptions, but when we get to this page
23 here, and they're unnumbered, this does not look

Mart 6/10/15

72

1 like something that he would be doing.

2 Q. But although this looks to be something that Mr.
3 Piro may have done, do you know whether or not he
4 actually drafted it?

5 A. I don't.

6 Q. So let's do this. Let's mark these one, two,
7 three, four pages that you described as looking
8 like something Mr. Piro would do as the next
9 exhibit.

10 MS. LASKER: Off the record.

11 (Discussion off the record.)

12 (Exhibit 11 marked.)

13 Q. And then we have a series of pages that are typed,
14 looks like to be in bullet point form, and we have
15 two pages that start, "Recollections: A Day in
16 the Life Of." Do you know if these go together or
17 they're separate?

18 A. I think that they all came together.

19 MR. PAPPAS: So why don't we mark all of
20 these as the next exhibit.

21 (Exhibit 12 marked.)

22 Q. Then there's a one-page, one-paragraph typed
23 document entitled, "A Timely Statement from

Mart 6/10/15

73

1 Mr. Steve Piro." Do you see that?

2 A. Yes.

3 Q. Was this a document included with the documents
4 Mr. Sykes provided to you?

5 A. Yes.

6 Q. Do you know who drafted this one-page document?

7 A. I don't, but it looks like -- in other words, I
8 don't think Mr. Piro would say, "Here's a timely
9 statement from Steve Piro," so...

10 MR. PAPPAS: Why don't we mark that as the
11 next exhibit.

12 (Exhibit 13 marked.)

13 Q. Let me show you the next document. Could you tell
14 us what that is?

15 A. This is the computer scoring of the
16 neuropsychological assessment battery screening
17 module.

18 (Exhibit 14 marked.)

19 Q. Let me show you the next document. Could you tell
20 us what that is?

21 A. This is the record form for when I actually
22 administered the neuropsychological assessment
23 battery.

Mart 6/10/15

74

1 MR. PAPPAS: Please mark that as
2 Exhibit 15.

3 A. If I could mention, there are some test security
4 issues with that part.

5 (Exhibit 15 marked.)

6 Q. I will put on the record that it's my
7 understanding that the testimony you've given
8 today and the documents are limited, we're limited
9 to showing that to attorneys and any experts that
10 we retain in this matter, and that's the universe
11 of people who can look at this.

12 A. That would be fine.

13 Q. Let me show you the next document and ask you what
14 that is.

15 A. This is the scoring sheet for the Reynolds
16 Adaptive Intelligence Test.

17 MR. PAPPAS: Can we mark that as
18 Exhibit 16.

19 (Exhibit 16 marked.)

20 Q. Let me show you the next document and ask you to
21 tell us what that is.

22 A. This is the scoring sheet for the Trauma Symptom
23 Inventory, second edition.

Mart 6/10/15

75

1 (Exhibit 17 marked.)

2 Q. Let me show you the next document in your file and
3 ask you to identify that document.

4 A. That's the printout of the scores of the
5 Personality Assessment Inventory.

6 MR. PAPPAS: We can mark that.

7 (Exhibit 18 marked.)

8 Q. Let me show you a one-page document and ask you to
9 identify that.

10 A. That's one of the scoring sheets from the SWAP-200
11 test, just a profile.

12 (Exhibit 19 marked.)

13 Q. Let me show you another one-page document. Please
14 let us know what that is.

15 A. That's a scoring sheet for the Montreal Cognitive
16 Assessment, which was part of the mental status
17 examination I gave Mr. Sykes.

18 (Exhibit 20 marked.)

19 Q. Let me show you another document and ask you to
20 tell us what that is.

21 A. This is the record sheet for the
22 neuropsychological assessment battery, the part
23 where Mr. Sykes made his own responses to tasks.

Mart 6/10/15

76

1 (Exhibit 21 marked.)

2 Q. And let me show the last document in your file and
3 ask you, is this the subpoena that brought you
4 here today?

5 A. Yes.

6 Q. Dr. Mart, have we now marked all of the documents
7 that you brought with you today regarding your
8 work with Mr. Sykes?

9 A. Yes.

10 Q. And as I mentioned earlier in the deposition, to
11 the extent that you have any other documents at
12 your office, whether in hard copy or
13 electronically, I'd ask that you provide me with a
14 copy of those in whichever way is easier for you,
15 whether it be electronic or by hard copy.

16 A. Okay.

17 Q. Were you paid for your work with Mr. Sykes?

18 A. I was.

19 Q. Who paid you?

20 A. I believe he brought in payment when he came.

21 Q. And other than that payment, have you received any
22 other payment for working with Mr. Sykes or on Mr.
23 Sykes's matter?

Mart 6/10/15

77

1 A. No.

2 Q. Okay. Thank you for your patience. I'm going to
3 turn the questioning over to someone else. If I
4 have any follow-up, I'll catch up.

5 EXAMINATION

6 Q. (BY MR. MURPHY) I'm Bob Murphy. I represent the
7 real estate company in the case, New England
8 Coastal Realty. I just have a few follow-up
9 questions. And because I'm following up,
10 sometimes I jump around. So if I get you
11 confused, get us back on track. Okay?

12 A. Sure.

13 Q. I know from your report that when you did your
14 assessment, you applied the criterion of the
15 DSM-5, right?

16 A. Yes.

17 Q. Okay. And that was adopted in 2013?

18 A. That sounds right.

19 Q. But in the time of the foreclosure, at the time
20 that Mr. Piro did his work, DSM-IV would have been
21 in place, correct?

22 A. Yes.

23 Q. Okay. Did you compare the criteria for the

Mart 6/10/15

78

1 diagnoses that you made between the IV and the 5?

2 A. Well, there's some slight changes to the PTSD
3 criteria in the two volumes, and I don't believe
4 that the other trauma-related diagnosis was
5 included in 5.

6 Q. Okay. And in terms of the factor that you ruled
7 out PTSD on the A-I criteria, those were in effect
8 in the DSM-IV, right?

9 A. I think both the -- for PTSD, in both of them
10 there has to be a perceived threatening event.

11 Q. And not just any threatening event; it has to be a
12 very specific threatening event?

13 A. Right. Threat to the integrity of your -- fear of
14 death, integrity of your body, accident of someone
15 in your zone, hearing about a child being killed,
16 that type of thing.

17 Q. And when you did your evaluation, you determined
18 that none of those triggering events had occurred?

19 A. That's correct.

20 Q. And so it wouldn't have occurred from Mr. Piro
21 either, and that's why you believe he made a wrong
22 diagnosis?

23 A. Correct.

Mart 6/10/15

79

1 Q. Now, you talked a little bit about the
2 differential diagnosis, and that's your standard
3 operating procedure; isn't that right?

4 A. There are cases in which I don't give differential
5 diagnoses just because it can be confusing to the
6 court.

7 Q. But in stress-induced areas the differential
8 diagnosis is the way to go?

9 A. I think so. I think you need to have a diagnosis
10 to explain to the court what might be going on.

11 Q. Okay. In a lay explanation, a differential
12 diagnosis, you're just trying to identify
13 potential diagnoses and then screening for those,
14 and ruling out the ones that don't apply; is that
15 correct?

16 A. Right.

17 Q. And when you get down to the last one, that's the
18 one you diagnose?

19 A. Right. I mean, sometimes it's a close call which
20 one fits better.

21 Q. Understood. Understood. In doing your
22 assessment, you came up with a battery of tests
23 that you felt were appropriate based upon your

Mart 6/10/15

80

1 differential diagnosis and what you were
2 interested in screening for, correct?

3 A. I use them in the process of making a differential
4 diagnosis.

5 Q. Understood. And, for instance, on the NAB, you
6 made a pretty early determination, based simply on
7 the screening, that you didn't need to do further
8 assessment using that instrument, right?

9 A. Right. That that can be used as a freestanding
10 instrument.

11 Q. Okay. And in terms of the battery that you
12 ultimately selected, there's a little bit of
13 professional judgment involved in that choice?

14 A. Sure.

15 Q. But there's also a pretty standard protocol that
16 you follow as to which tests you're going to
17 administer?

18 A. I think that probably if you looked at people
19 doing it broadly, these types of assessments,
20 there would be a few instruments that you'd see
21 over and over again.

22 Q. Okay. And those are the ones that you used?

23 A. I think I was kind of an early adopter of the

Mart 6/10/15

81

1 Reynolds Adaptable Intellectual Intelligence Test.

2 Q. You convinced your peers?

3 A. You know, I got a little guff in one case but, you
4 know, it depends on what you're doing. In other
5 words, if it was a case where the man's IQ was
6 essential and a big part of the case, I probably
7 would have used a Wechsler. When you just need a
8 ballpark estimate that someone is doing okay, I
9 think there's a lot of tests you can use.

10 Q. Now, did you use the standard protocols on all the
11 tests you administered?

12 A. Yes.

13 Q. You followed the instructions to the letter?

14 A. Yes. I mean, the only ones that I actually
15 administered -- actually, the only one that I
16 actually administered was the Neuropsychological
17 Assessment Battery. One of the advantages of that
18 Reynolds test is you sit the person in front of
19 the computer and say, "Fire away."

20 Q. I didn't mean to limit my question. Are these
21 other ones, the SWAP, the MCA, the PAI, the TSI-2,
22 you followed the standard protocols on all those?

23 A. Yes.

Mart 6/10/15

82

1 Q. And all the protocols are in your file?

2 A. Yes.

3 Q. I tried to keep score, and it sounded like you had
4 them marked by Attorney Pappas for each of the
5 tests that were administered.

6 A. Yes.

7 Q. Okay. You haven't taken out any testing
8 materials?

9 A. No.

10 Q. The ones that are administered on the computer,
11 you had printouts of his input on the tests?

12 A. Right. And if I can explain a little bit?

13 Q. Sure.

14 A. If you've seen other IQ tests, you know, like if
15 you do a Wechsler test, there's a booklet where
16 you mark down answers, and then there's a scoring
17 sheet that you would use either on the front of
18 the test or you use a computer program. Because
19 these other programs are administered on a
20 computer, there's no other materials. So they put
21 in their responses, you hit the button, you get a
22 printout.

23 Q. Okay. And those printouts are in your file?

Mart 6/10/15

83

1 A. Yes.

2 Q. All right. And these tests that you administered,
3 those are used in all the other mental health
4 practice areas as well, right?

5 A. Yeah. They have multiple purposes.

6 Q. Understood. But what I mean is an MSW counselor
7 is competent to administer these tests the same as
8 a psychologist?

9 A. No.

10 Q. Not to the same level?

11 A. Not at all.

12 Q. What do you have to do to be competent to
13 administer these tests?

14 A. You have to have tests in statistics, test design
15 psychometrics, and specific training to interpret
16 them.

17 Q. And within your field of psychology, you have to
18 give these tests in order to make a diagnosis;
19 isn't that correct?

20 A. You know, you don't have to. I mean, it depends
21 on the situation. I mean, if someone comes in for
22 psychotherapy, you may not use tests.

23 Q. Understood. But you're doing a forensic

Mart 6/10/15

84

1 assessment, right?

2 A. I think in a forensic assessment you would use
3 objective tests, if for no other reason than to be
4 a check on your clinical judgment.

5 Q. Well, Standard 9 requires that you have an
6 adequate basis for making this opinion, right?

7 A. Right.

8 Q. And an adequate basis in a forensic assessment
9 includes the psychometric testing of some level?

10 A. You might get some argument from some of my
11 colleagues on that, but almost overwhelmingly
12 there would be testing.

13 Q. Okay. And as near as we know from looking at this
14 record, Mr. Piro didn't do any testing, did he?

15 A. No.

16 Q. The testing you did was as of the 2014, fall of
17 2014 time frame, correct?

18 A. Yes.

19 Q. Mr. Sykes didn't have any psychometric testing in
20 2008, 2009, 2010 that you know about?

21 A. No.

22 Q. Now, you did get some records from Mr. Piro, but
23 did you ever get his medical records?

Mart 6/10/15

85

1 A. I didn't get his file.

2 Q. And Mr. Piro first saw Mr. Sykes in 2010, correct?

3 A. Yes.

4 Q. Nobody saw him for a mental health assessment in
5 2008 or 2009, correct?

6 A. Not to my knowledge.

7 Q. So there's really nobody that can testify as to
8 his mental health status in 2008, 2009 at all?

9 A. Not on the basis of testing or contemporaneous
10 assessment, no.

11 Q. And everything that we know about his mental
12 health status in 2008-2009 is related to somebody
13 by Mr. Sykes? It's based upon his
14 representations?

15 A. Right. The only other information was his son,
16 although that time frame is a little unclear.

17 Q. All right. And even after Mr. Piro began to see
18 Mr. Sykes in 2010, he didn't make a diagnosis of
19 PTSD until 2012; is that correct?

20 A. Yes.

21 Q. So even he didn't think he had PTSD prior to 2012?

22 A. That's my understanding.

23 Q. Okay. I'm jumping again, and I want to just take

Mart 6/10/15

86

1 you -- you make a statement on page 8 of your
2 report that you went over a little bit with
3 Attorney Pappas. You talk about his -- what you
4 observed, and then you say, "It's all associated
5 with the loss of his home, livelihood." I assume
6 that's loss of his livelihood?

7 A. Yes.

8 Q. "And spouse." And, again, that's the loss of his
9 spouse?

10 A. Yes.

11 Q. And those are all stressors that led to Mr. Sykes'
12 stress-induced condition when you saw him; isn't
13 that true?

14 A. Yes.

15 Q. All right. And he had other stressors that you
16 don't mention there; for instance, his discussions
17 with the Office of the Currency that you were
18 asked about earlier?

19 A. I mean, he talked a little bit about all these
20 different places he went. He was a little
21 difficult to follow, but I assume that.

22 Q. Understood. But he was unhappy with the result he
23 got from the Office of Currency, right?

Mart 6/10/15

87

1 A. Very much so.

2 Q. He was unhappy with the result he got from the
3 legislators that he spoke with, right?

4 A. That's correct.

5 Q. And those interactions, and there were others, the
6 Real Estate Commission and so on, those were all
7 stressors that led to his condition when you saw
8 him; isn't that true?

9 A. I'm sure they were contributory.

10 Q. Okay. And you have no way of differentiating
11 between all those stressors what was the primary
12 factor leading to his condition when you assessed
13 him; is that true?

14 A. No. I don't think I could point to any one
15 particular trauma that created any one particular
16 symptom.

17 Q. Okay. It was a combination of all of them that
18 led to your opinion?

19 A. Yes.

20 Q. All right. It's also true that there may have
21 been any one or several of them that he had
22 without resulting in the mental health condition
23 that you observed when you assessed him in October

Mart 6/10/15

88

1 of 2014?

2 A. I think that's probably correct.

3 Q. So he very may -- I have a wrinkle in my tongue.

4 I apologize. I tripped over it. He may very well
5 have had some of these stressors prior to you
6 assessing him that would not have led to the
7 mental health condition you observed when you did
8 assess him?

9 A. Correct. I don't know at what point his
10 symptomatology became sufficiently pronounced to
11 qualify for the diagnosis.

12 Q. I have no other questions. Thank you.

13 EXAMINATION

14 Q. (BY MS. LASKER) Good afternoon. I'm Andrea
15 Lasker, and I represent all the Citizens
16 defendants and the Federal National Mortgage
17 Association. I really have very little to ask, so
18 this will be brief. With respect to the exhibits
19 that were just noted by Attorney Pappas, and I'm
20 referring specifically to Exhibit 11, Exhibit 12,
21 and Exhibit 13, and I identify Exhibit 11 as the
22 four pages that look like Mr. Piro would have
23 authored; is that correct?

Mart 6/10/15

89

1 A. Yes. They're the ones that are kind of ambiguous
2 as to who's writing what.

3 Q. Exhibit 12 I have characterized as the additional
4 documents that came along with Exhibit 11, the
5 ones that I thought those were the ambiguous; am I
6 correct?

7 A. Well, there's documentation that seems personal
8 from Mr. Sykes, and then several pages in there,
9 there was Exhibit 11, which seems to be written by
10 Mr. Piro, because it's sort of first person, but
11 there's no signature page. And then it seems to
12 go on to very detailed information about finances
13 and currency --

14 Q. I understand.

15 A. -- so it's...

16 Q. Did you review all of those documents?

17 A. I looked at -- I recall looking at Mr. Piro's
18 report. Whether it's this part of it or whether I
19 have it someplace else, I don't know as I'm
20 sitting here. I did briefly look through this
21 material, but it's so involved that it didn't
22 really -- I stopped reading it. It didn't have a
23 big impact on my thought process.

Mart 6/10/15

90

1 Q. So it's your testimony that those documents,
2 specifically the documents in Exhibit 3 -- excuse
3 me -- 13 did not contribute to the opinion that
4 we've been referring to this afternoon?

5 A. I think we might be talking about 12.

6 MR. PAPPAS: 12, not 13.

7 Q. Oh, I'm sorry. Yes. 12.

8 A. Right, because it's very detailed discussions of
9 Fannie Mae and Citizens Bank and all kinds of
10 other things, which, A, I don't understand; and,
11 B, it didn't bear directly on my thought process.

12 Q. I understand. With respect to those three
13 exhibits, Exhibits 11, 12, and 13, could you
14 clarify as to when Mr. Sykes dropped those off to
15 you?

16 A. You know, he either brought them with him or came
17 back. He has a tendency to pop in.

18 Q. I understand.

19 A. And he may have -- I can't recall whether he came
20 back and gave them to my wife or whether he gave
21 them to me on that day.

22 Q. Okay. But those documents that I'm referring to,
23 they were not provided by Mr. Piro?

Mart 6/10/15

91

1 A. No. I don't think I received -- no. I know that
2 I didn't receive anything directly from Mr. Piro.

3 Q. So you received no written documentation
4 whatsoever from Mr. Piro at any time?

5 A. I'm a little confused about that. I may have
6 received a report through the attorney.

7 Q. I understand.

8 A. And I think I may have, but he never sent me
9 anything directly.

10 Q. Okay. I just want to refer to the last -- your
11 summary, the last paragraph of your opinion, which
12 says that it is your opinion that Mr. Sykes was
13 unable to take the appropriate steps necessary to
14 have his case heard in an appropriate venue due to
15 a combination of his obsessive personality
16 disorder and trauma symptoms.

17 Are you stating that it is not your
18 professional opinion that the reason that Mr.
19 Sykes did not actually file his case in a proper
20 venue was not due to a mental incapacity that he
21 was suffering at the time that would have been
22 appropriate to make those filings?

23 A. Well, I think -- I think I am sort of saying that

Mart 6/10/15

92

1 that was -- that those problems led him to be
2 unable to do what he needed to do.

3 Q. But you don't characterize those problems as a
4 mental incapacity?

5 A. I don't there. I think, you know, I didn't use
6 the term capacity. I think that that was -- that
7 his problems were the reason that he seemed to be
8 unable to take appropriate steps.

9 Q. Okay. Nothing further.

10 EXAMINATION

11 Q. (BY MR. PAPPAS) Let me just ask one follow-up
12 question. When you say "Appropriate venue," what
13 were you referring to?

14 A. Well, basically getting an attorney, filing
15 whatever he had to file at various points in the
16 process at the appropriate time, and basically
17 being guided by someone who knew what they were
18 doing.

19 Q. So when you refer to appropriate venue, you
20 weren't thinking of something specific? You were
21 just thinking generally what should have been
22 done?

23 A. Right. I mean, I don't -- I'm not knowledgeable

Mart 6/10/15

93

1 enough of the law. I mean, I would go to an
2 attorney and say, "Listen, what do I do? I'm
3 going to file here," you know, and that would be
4 the venue that would be appropriate, I guess.

5 Q. Okay. We did not mark your subpoena, so let's
6 mark that as the last exhibit.

7 (Exhibit 22 marked.)

8 MR. PAPPAS: I have no other questions.
9 Bob?

10 MR. MURPHY: Nothing further. Thank you.

11 MR. PAPPAS: Thank you for your patience.
12 Off the record.

13 (Discussion off the record.)

14 MR. PAPPAS: So we'll do the usual
15 stipulations in New Hampshire, but the time to
16 return the errata sheet will be 14 days. And I
17 will send the transcript directly to Dr. Mart when
18 I receive it. Thank you.

19 (12:53 p.m.)
20
21
22
23

Mart 6/10/15

C E R T I F I C A T E

I, Megan M. Hefler, a Licensed Shorthand Court Reporter (License #61) and Notary Public of the State of New Hampshire, do hereby certify that the foregoing, to the best of my knowledge, skill and ability, is a true and accurate transcript of my computer-aided electronic stenographic notes of the deposition of ERIC G. MART, who was duly sworn, taken at the place and under the circumstances present on the date hereinbefore set forth.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Megan M. Hefler, LCR, RDR
Signed 9th this day of June 2015

N.H. LCR No. 61 (RSA 310-A)
My NH Notary Commission expires February 2, 2016

	address (4) 6:5,7;48:7;50:22	69:11	17:22;31:9;56:13; 66:19;77:10	10:8;71:18
\$	adequate (2) 84:6,8	almost (1) 84:11	art (1) 27:8	authored (1) 88:23
\$25,000 (1) 33:12	administer (4) 38:17;80:17;83:7, 13	along (4) 38:21;46:14;70:18; 89:4	assess (3) 41:2;54:10;88:8	Authority (3) 4:12.5;20:12;69:9
\$35,000 (1) 33:12	administered (12) 38:15;40:5;43:13; 44:17;73:22;81:11, 15,16;82:5,10,19;83:2	Although (4) 31:8;42:22;72:2; 85:16	assessed (2) 87:12,23	average (7) 39:14,14,17,18; 52:14,19,19
\$400 (1) 27:3	administering (1) 40:22	always (3) 55:2;60:16;65:6	assessing (1) 88:6	avoidance (2) 42:14;64:2
\$5 (3) 61:14,16;62:2	admit (1) 40:12	ambiguous (3) 34:12;89:1,5	Assessment (26) 5:7.5;15:7;16:13; 39:7,17;40:5;41:23; 43:14,17;44:19,20; 45:5;73:16,22;75:5, 16,22;77:14;79:22; 80:8;81:17;84:1,2,8; 85:4,10	aware (9) 26:6,12,20;53:14; 54:1,5,15;59:5;65:9
\$50,000 (2) 61:13;62:3	admitting (1) 40:11	ambivalent (2) 36:1;37:10	assessments (3) 45:2;65:9;80:19	away (1) 81:19
[adolescence (1) 49:20	amended (7) 3:23;10:22;11:4,8, 10;20:18;50:5	assimilate (1) 61:6	awhile (1) 14:14
[sic] (1) 28:13	adopted (1) 77:17	America (2) 2:2.5;6:11	assist (2) 38:12;47:21	Axis (1) 43:20
A	adopter (1) 80:23	American (1) 15:3	assistance (3) 36:19;37:8;60:17	Ayotte's (1) 66:2
abilities (2) 52:14,19	adulthood (3) 49:20;50:2;55:15	analogy (2) 60:1;61:22	assisting (2) 35:11;36:12	B
ability (7) 14:11;41:1,3;57:16, 17;58:17;59:13	advantage (1) 58:11	Andrea (2) 2:15;88:14	associated (2) 48:8;86:4	back (12) 9:13;12:20;18:8; 19:1;23:6;27:11; 37:11;42:3;61:10; 77:11;90:17,20
able (3) 38:12;43:10;53:6	advantages (1) 81:17	anxiety (4) 41:9,12,14,22	Association (3) 2:12.5;15:4;88:17	bad (3) 29:1;61:5,7
abnormalities (1) 30:19	affected (1) 63:22	anxiety-related (1) 41:11	assume (5) 6:19;21:16;22:15; 86:5,21	balance (1) 48:2
above (4) 39:14,18;52:13,19	afternoon (2) 88:14;90:4	anymore (1) 48:4	assumed (1) 48:11	ballpark (1) 81:8
abstract (1) 48:21	Again (5) 29:9;37:9;80:21; 85:23;86:8	apologize (1) 88:4	assumption (1) 11:21	Bank (5) 2:2.5,2.5;6:10,11; 90:9
Abuse (1) 28:9	agencies (1) 65:11	Apparently (2) 12:17;46:18	attach (1) 43:10	banks (1) 65:18
accident (3) 45:6;61:23;78:14	agenda (2) 62:7,17	appear (1) 40:17	attempt (2) 24:9;29:17	bar (1) 54:11
according (2) 9:8;46:21	ago (3) 6:9;20:7;55:14	APPEARANCES (1) 2:1	attempting (1) 26:9	Based (8) 27:2;28:3;31:23; 62:2;64:12;79:23; 80:6;85:13
accurate (3) 47:5;48:12;61:2	agree (1) 47:1	appeared (1) 27:3	attempts (3) 33:15;42:14;44:3	basic (2) 46:9;67:15
action (1) 59:19	agreed (2) 3:2.5,7	appears (4) 34:9;71:3,4,20	attention (2) 58:7;64:16	basically (7) 12:23;30:20;41:19; 48:19;51:17;92:14,16
activities (1) 58:10	Ah (1) 67:13	applied (1) 77:14	attentional (1) 52:17	basis (3) 84:6,8;85:9
activity (1) 54:19	A-I (1) 78:7	apply (1) 79:14	Attorney (25) 5:10.5;9:1,3,17; 11:11,22;12:1,6,15; 22:9;29:19,20;50:13; 51:3,5,7;52:3;53:19; 61:12;82:4;86:3; 88:19;91:6;92:14; 93:2	basket (1) 45:21
actual (1) 34:21	air (1) 58:4	appointed (1) 54:3	attorneys (7) 6:12;36:11,22;51:8, 11;61:15;74:9	battery (8) 39:7,17;73:16,23; 75:22;79:22;80:11; 81:17
actually (7) 25:3;72:4;73:21; 81:14,15,16;91:19	al (1) 11:3	appropriate (10) 64:14;79:23;91:13, 14,22;92:8,12,16,19; 93:4	author (2)	bear (1) 90:11
Adaptable (1) 81:1	alasker@harmonlawcom (1) 2:15.5	arbitrary (1) 50:1		bearing (1) 31:2
Adaptive (2) 39:12;74:16	allow (3) 40:14;42:2;49:1	areas (3) 30:21;79:7;83:4		
add (2) 6:17;7:3	allowed (2) 10:23;11:1	argument (2) 49:4;84:10		
addition (1) 45:7	allowing (1) 24:21	arose (1) 26:19		
additional (1) 89:3	allows (1)	around (5)		

<p>became (8) 25:10;14,15;26:6; 12,20;28:10;88:10</p> <p>becomes (3) 27:7;47:11;49:7</p> <p>began (5) 25:6;26:8;27:4; 51:19;85:17</p> <p>behavior (3) 19:20;30:20;39:4</p> <p>belief (1) 61:1</p> <p>believes (1) 60:23</p> <p>belonged (1) 27:4</p> <p>better (5) 40:16;60:16;62:13, 13;79:20</p> <p>big (4) 55:21;62:19;81:6; 89:23</p> <p>bill (1) 33:14</p> <p>billing (1) 20:9</p> <p>biographical (1) 21:3</p> <p>bit (10) 30:7;47:22;58:6; 62:9,22;79:1;80:12; 82:12;86:2,19</p> <p>blamed (1) 24:20</p> <p>blocking (1) 8:23</p> <p>boards (2) 34:4,16</p> <p>Bob (2) 77:6;93:9</p> <p>body (1) 78:14</p> <p>booklet (1) 82:15</p> <p>both (3) 64:20;78:9,9</p> <p>bothering (1) 43:6</p> <p>bottom (1) 32:21</p> <p>box (1) 67:15</p> <p>break (2) 41:15;63:8</p> <p>breaks (1) 56:22</p> <p>breakup (2) 24:17,23</p> <p>breath (1) 41:20</p> <p>brief (2) 13:18;88:18</p> <p>briefly (1)</p>	<p>89:20</p> <p>broader (1) 59:16</p> <p>broadly (1) 80:19</p> <p>brought (7) 9:10;21:1;71:17; 76:3,7,20;90:16</p> <p>build (1) 44:8</p> <p>bullet (1) 72:14</p> <p>business (2) 60:8,16</p> <p>button (1) 82:21</p>	<p>Carolina (1) 2:9</p> <p>case (21) 6:11;9:18;11:2; 13:8,11,20;14:13,15; 36:1,2;40:21;45:21; 46:5,17;51:19;77:7; 81:3,5,6;91:14,19</p> <p>cases (5) 8:10;14:10;40:21; 45:16;79:4</p> <p>catch (1) 77:4</p> <p>category (2) 39:14,18</p> <p>causal (1) 43:11</p> <p>cause (3) 56:17,18;57:15</p> <p>causes (1) 56:17</p> <p>causing (1) 41:23</p> <p>CCO (1) 2:12</p> <p>certain (4) 42:15;45:1,3;59:16</p> <p>certainly (1) 57:15</p> <p>chance (2) 7:2,5</p> <p>change (1) 9:8</p> <p>changes (1) 78:2</p> <p>chapter (1) 15:2</p> <p>characteristic (1) 62:15</p> <p>Characteristics (1) 71:13</p> <p>characterize (1) 92:3</p> <p>characterized (1) 89:3</p> <p>charge (3) 27:3;33:14;59:6</p> <p>Charlotte (1) 2:9</p> <p>check (4) 23:7;54:22;67:15; 84:4</p> <p>checkbook (2) 48:2,4</p> <p>child (2) 31:9;78:15</p> <p>children (1) 7:12</p> <p>choice (1) 80:13</p> <p>circumstance (1) 46:3</p> <p>circumstances (4)</p>	<p>9:9,18;12:5;35:12</p> <p>circumstantial (1) 27:8</p> <p>circumstantiality (2) 31:12,20</p> <p>Citizens (4) 2:12,5;11:3;88:15; 90:9</p> <p>civil (3) 14:9;15:5;48:1</p> <p>claim (6) 61:23;62:1,2,3,8,17</p> <p>claims (1) 65:11</p> <p>clarify (3) 6:23;62:9;90:14</p> <p>classifications (1) 55:23</p> <p>clear (8) 18:7;22:8;25:16; 27:6;34:19;37:4; 43:23;71:2</p> <p>click (1) 65:3</p> <p>client (1) 4:14</p> <p>Clinical (3) 4:7;32:9;84:4</p> <p>clinician (1) 43:5</p> <p>close (2) 28:22;79:19</p> <p>clothing (1) 53:16</p> <p>Coastal (2) 2:17;77:8</p> <p>co-authored (1) 15:2</p> <p>Cognitive (9) 5:7;39:9,22;41:1,2; 52:20;60:8;61:20; 75:15</p> <p>collateral (1) 23:14</p> <p>colleagues (1) 84:11</p> <p>combination (2) 87:17;91:15</p> <p>coming (2) 45:22;61:10</p> <p>comments (1) 67:7</p> <p>commission (2) 65:14;87:6</p> <p>communicate (1) 58:18</p> <p>company (1) 77:7</p> <p>compare (1) 77:23</p> <p>competence (1) 32:6</p> <p>competencies (1)</p>	<p>15:5</p> <p>competent (6) 3:4;49:2;64:21; 65:1;83:7,12</p> <p>complaining (1) 66:3</p> <p>complaint (11) 3:23;10:23;11:4,9, 10,15;20:18;50:5; 52:1;65:18,20</p> <p>complaints (2) 65:10;66:1</p> <p>complete (3) 6:23;7:4;59:14</p> <p>completed (2) 16:21;17:2</p> <p>completely (1) 22:7</p> <p>complex (1) 22:1</p> <p>complicated (1) 22:2</p> <p>comport (1) 22:6</p> <p>comprehend (2) 60:20,21</p> <p>Comptroller (1) 65:21</p> <p>compulsive (1) 55:19</p> <p>computer (9) 23:5,7,8;69:4; 73:15;81:19;82:10, 18,20</p> <p>conceivable (1) 60:10</p> <p>concentrate (1) 45:18</p> <p>concerned (1) 42:12</p> <p>concerns (1) 21:4</p> <p>conclude (2) 32:3;40:8</p> <p>conclusion (2) 52:9;66:9</p> <p>conclusions (1) 55:5</p> <p>condition (6) 56:19;86:12;87:7, 12,22;88:7</p> <p>conditions (1) 55:23</p> <p>conduct (1) 30:4</p> <p>conducted (1) 23:14</p> <p>confidentiality (1) 19:16</p> <p>confirm (1) 17:1</p> <p>confused (2) 77:11;91:5</p>
---	---	---	---	--

confusing (1) 79:5	cope (1) 44:3	19:3	36:7	51:15
conscious (1) 42:14	copied (1) 71:7	dated (2) 10:12;11:2	Description (5) 3:19;4:3;5:4;24:3; 47:20	dig (1) 9:11
consciousness (1) 42:16	copy (10) 7:14;8:2,5;11:4,10; 15:23;23:9;76:12,14, 15	Day (12) 4:16.5;18:12;21:2, 9:44;19:45;15:53;8,8; 65:1;70:18;72:15; 90:21	descriptions (1) 43:5	Diplomate (1) 2:22
consensus (1) 61:18	Corporation (1) 2:12	days (2) 3:7.5;93:16	design (1) 83:14	direction (2) 49:7;61:21
consent (1) 54:19	correctly (2) 25:16;67:20	deadline (9) 35:3,14;36:8,8; 50:17;51:21,22;52:4, 6	despite (2) 46:20;61:17	directly (5) 54:10;90:11;91:2,9; 93:17
considered (1) 49:2	counsel (4) 3:7.5;8:22;17:9; 36:19	deal (3) 37:7,17;38:5	detail (2) 58:7;64:16	discouraged (1) 29:19
considers (2) 44:4;61:5	counseling (3) 25:4;28:5,6	death (1) 78:14	detailed (2) 89:12;90:8	discover (2) 22:9;40:23
consistent (1) 43:4	counselor (1) 83:6	decisions (1) 54:20	details (1) 57:19	discuss (1) 13:20
constricted (1) 44:7	couple (2) 12:11,22	dealt (1) 60:3	determination (1) 80:6	discussed (4) 13:15;19:8,11; 66:11
contact (1) 69:11	course (2) 15:5;31:4	death (1) 78:14	determine (3) 14:16;39:7;43:2	discussing (3) 13:13,15;25:7
contacted (3) 12:1;35:9;36:12	Court (9) 2:21.5,22.5;3:6; 8:12;10:23;17:13; 47:19;79:6,10	deemed (1) 32:14	determined (3) 39:12,20;78:17	Discussion (7) 7:21;14:3;26:4; 51:3;63:12;72:11; 93:13
contain (1) 16:10	cover (1) 17:20	defendants (2) 6:12;88:16	developed (2) 56:5;63:3	discussions (5) 13:3,18;28:3;86:16; 90:8
contained (1) 23:2	courts (2) 48:6;65:12	defensive (5) 40:9;41:5;42:13; 45:23;64:2	diagnose (3) 49:22;63:16;79:18	disorder (8) 44:1;49:23;55:18, 20,22;63:18;64:10; 91:16
contains (2) 22:20;24:5	covered (3) 15:4;66:12,13	delay (1) 47:16	diagnosed (1) 55:8	disorders (5) 41:11;43:20,20; 44:15;56:10
contemporaneous (2) 68:12;85:9	covers (1) 11:15	dementia (1) 39:1	diagnoses (5) 64:21;65:9;78:1; 79:5,13	distinction (1) 57:10
content (1) 30:18	CRAMER (1) 2:4.5	demographic (1) 4:14.5	diagnosing (1) 14:6	distress (2) 45:8,12
continuation (3) 67:12,13;68:2	created (2) 49:13;87:15	depended (1) 11:19	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	disturbing (1) 42:15
continue (2) 37:5;60:1	criteria (5) 28:17,18;77:23; 78:3,7	depends (2) 81:4;83:20	diagnostic (1) 28:17	doctor (3) 30:13;56:7,23
Continued (2) 4:1.5;5:2	criterion (1) 77:14	deponent (2) 3:8,11	die (1) 28:21	document (27) 4:18.5;10:21;20:19; 21:2,7;22:2;66:22; 67:14;68:5,10,22; 70:9,15,22;72:23; 73:3,6,13,19;74:13, 20;75:2,3,8,13,19; 76:2
contours (1) 51:19	Currency (4) 65:21;86:17,23; 89:13	deposes (1) 6:2	difference (1) 55:21	documentation (5) 20:19;23:1;50:14; 89:7;91:3
contract (1) 14:11	current (3) 7:17;8:5;33:2	deposition (13) 3:2.5,7;8:12,14; 11:13;13:1,6,15;16:2; 66:11,14;70:19;76:10	different (12) 21:22;34:3;38:21; 41:14;44:2;51:6; 55:17,19;57:3;61:7, 19;86:20	documents (22) 4:7.5,15.5,17;20:17, 22,23;21:15;22:14, 19;27:14;51:18; 66:18;69:8;73:3;74:8; 76:6,11;89:4,16;90:1, 2,22
contractor (1) 33:9	Curriculum (1) 3:20	depositions (2) 3:3.5;6:17	diagnostic (1) 28:17	domains (1) 65:3
contribute (1) 90:3	CV (2) 7:15;8:2	depressed (1) 35:22	diagnoses (5) 64:21;65:9;78:1; 79:5,13	
contributory (1) 87:9		depression (1) 56:5	diagnosing (1) 14:6	
control (3) 13:1;47:11;61:1		derived (1) 48:18	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
controllers (1) 58:4		depressed (1) 35:22	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
convenient (1) 23:10		depression (1) 56:5	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
conversation (7) 4:8.5,10;24:4;30:2; 31:4;35:18;68:13		depos (1) 6:2	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
conversations (1) 26:5		deposition (13) 3:2.5,7;8:12,14; 11:13;13:1,6,15;16:2; 66:11,14;70:19;76:10	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
convinced (1) 81:2		depositions (2) 3:3.5;6:17	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
cop (1) 47:18		depressed (1) 35:22	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
		depression (1) 56:5	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
		derived (1) 48:18	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
		describe (2) 55:11;66:15	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
		described (6) 33:1;34:16;49:16; 57:20;62:10;72:7	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
		describes (1) 35:12	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	
		describing (1)	diagnosis (22) 28:12,14;31:1; 32:15;63:20,21;64:6, 9,11,15,17;78:4,22; 79:2,8,9,12;80:1,4; 83:18;85:18;88:11	

<p>done (13) 10:13;14:19,23; 16:8;17:1,4;44:9; 46:6;49:8,9;70:3; 72:3;92:22</p> <p>down (5) 19:6;37:3;47:12; 79:17;82:16</p> <p>Dr (9) 3:20.5;6:9;7:22; 14:5;20:5;63:14; 67:20;76:6;93:17</p> <p>drafted (2) 72:4;73:6</p> <p>draw (1) 42:3</p> <p>dread (1) 41:18</p> <p>dropped (6) 21:1,8;70:18;71:16, 17;90:14</p> <p>drunk (1) 36:17</p> <p>DSM-5 (3) 28:19;63:21;77:15</p> <p>DSM-IV (3) 28:19;77:20;78:8</p> <p>due (2) 91:14,20</p> <p>duly (1) 6:1</p> <p>during (4) 8:10;17:14;34:6; 53:14</p> <p>dynamics (2) 46:9,20</p> <p>dysfunction (1) 39:22</p>	<p>eight (1) 14:10</p> <p>eireland@winstoncom (1) 2:10</p> <p>either (12) 8:11;13:3;15:10; 23:9;39:14;43:2; 44:19;51:3;71:17; 78:21;82:17;90:16</p> <p>electronic (1) 76:15</p> <p>electronically (1) 76:13</p> <p>elevate (1) 42:23</p> <p>elevation (4) 41:10;42:11,13,17</p> <p>elevations (2) 41:6;43:3</p> <p>elicit (1) 36:13</p> <p>Elizabeth (2) 2:9.5;6:10</p> <p>Elm (1) 2:5</p> <p>else (7) 10:18;29:15;30:15; 60:21;63:10;77:3; 89:19</p> <p>e-mail (1) 23:10</p> <p>emotional (5) 41:17;55:6,9;57:6, 10</p> <p>emotionally (1) 44:7</p> <p>end (2) 35:2;63:14</p> <p>ended (1) 59:8</p> <p>England (2) 2:17;77:7</p> <p>enough (4) 12:18;40:13;42:22; 93:1</p> <p>enter (1) 14:11</p> <p>entire (1) 7:22</p> <p>entirely (2) 21:18;33:20</p> <p>entitled (5) 20:16;21:2,8;32:8; 72:23</p> <p>entry (1) 28:18</p> <p>episode (1) 56:23</p> <p>equally (2) 46:23;47:15</p> <p>Eric (4) 3:12;6:1,6;61:13</p> <p>Errata (2)</p>	<p>3:16;93:16</p> <p>Esq (4) 2:6,9,5,15,19,5</p> <p>essential (1) 81:6</p> <p>estate (2) 77:7;87:6</p> <p>estimate (1) 81:8</p> <p>et (1) 11:3</p> <p>evaluate (2) 8:21;10:16</p> <p>evaluated (1) 18:5</p> <p>evaluating (2) 21:10;24:6</p> <p>evaluation (11) 11:20;17:12;19:8; 22:13,22;29:11; 45:10;50:20;52:5,13; 78:17</p> <p>evaluations (1) 58:3</p> <p>even (6) 21:23;48:3;50:9; 59:4;85:17,21</p> <p>event (5) 42:4;43:11;78:10, 11,12</p> <p>events (2) 63:23;78:18</p> <p>eventually (2) 27:11;50:11</p> <p>everybody (1) 6:19</p> <p>evidence (3) 44:18;46:11;54:1</p> <p>exact (3) 12:4,14;29:22</p> <p>exactly (2) 17:19;59:23</p> <p>exaggerate (1) 45:16</p> <p>exam (1) 4:11.5</p> <p>Examination (12) 3:13,14,15;6:3; 9:19;30:4,5;69:1; 75:17;77:5;88:13; 92:10</p> <p>examined (1) 65:1</p> <p>examining (1) 10:2</p> <p>example (1) 33:21</p> <p>except (2) 3:5.5;57:2</p> <p>Exchange (3) 4:12.5;20:12;69:9</p> <p>excuse (1) 90:2</p>	<p>executive (1) 52:18</p> <p>Exhibit (84) 3:20,21.5,22.5; 4:4.5,5.5,7,8.5,10, 11.5,12.5,14,15.5, 16.5,18,19.5,21,22,23; 5:5,6,7,8.5,9.5;8:8,9; 10:5,6,7,17;11:6,7,8; 16:4,7;20:3,4,6;22:4, 5;49:19;50:5;67:10, 11,13,18,19,21;68:1, 8,9,20,21;69:6,7;70:7, 8,13,14;72:9,12,20, 21;73:11,12,18;74:2, 5,18,19;75:1,7,12,18; 76:1,88:20,20,21,21; 89:3,4,9;90:2,93:6,7</p> <p>exhibited (2) 41:12;44:20</p> <p>Exhibits (4) 5:10.5;88:18;90:13, 13</p> <p>exists (1) 60:2</p> <p>expect (1) 45:15</p> <p>experience (5) 14:6;28:20,22,23; 60:11</p> <p>experienced (1) 21:20</p> <p>expert (4) 11:17;12:2;13:7,10</p> <p>experts (1) 74:9</p> <p>explain (6) 30:7;45:11;55:18; 70:10;79:10;82:12</p> <p>explained (2) 33:1;46:21</p> <p>explanation (3) 46:23;70:5;79:11</p> <p>express (1) 44:11</p> <p>extent (9) 12:19;40:10;44:22; 47:10;48:23;49:11; 50:22;59:18;76:11</p> <p>extreme (1) 57:3</p> <p>ex-wife (1) 29:18</p>	<p>factor (3) 60:15;78:6;87:12</p> <p>facts (1) 48:11</p> <p>fair (4) 31:23;57:5,9;66:13</p> <p>fall (1) 84:16</p> <p>false (1) 22:11</p> <p>familiar (2) 6:16;53:21</p> <p>family (1) 35:6</p> <p>Fannie (1) 90:9</p> <p>fashion (2) 36:15;45:20</p> <p>fast (1) 12:18</p> <p>fear (2) 28:23;78:13</p> <p>Federal (2) 2:12;88:16</p> <p>fee (1) 20:9</p> <p>feel (4) 44:9;45:7;56:5,9</p> <p>feelings (1) 42:16</p> <p>feels (1) 49:8</p> <p>fell (1) 45:17</p> <p>felt (3) 11:22;35:6;79:23</p> <p>few (4) 14:8;23:13;77:8; 80:20</p> <p>field (1) 83:17</p> <p>file (26) 7:22;8:2,5,19;9:10; 10:22;12:17;13:13, 14;17:18;19:12,21; 23:2;51:22;52:4; 66:18;68:10,22;75:2; 76:2;82:1,23;85:1; 91:19;92:15;93:3</p> <p>filed (5) 36:18;65:10,17,20; 66:1</p> <p>filing (4) 3:5;35:3;50:11; 92:14</p> <p>filings (1) 91:22</p> <p>fill (1) 70:12</p> <p>filled (1) 69:2</p> <p>fills (1) 28:23</p>
E				
<p>earlier (4) 50:17;70:19;76:10; 86:18</p> <p>early (5) 49:20;50:2;55:15; 80:6,23</p> <p>easier (2) 66:19;76:14</p> <p>eczema (1) 30:13</p> <p>edition (1) 74:23</p> <p>educated (1) 47:14</p> <p>effect (3) 57:21,21;78:7</p> <p>EGGLESTON (1) 2:4.5</p> <p>ego-alien (1) 56:1</p> <p>ego-syntonic (2) 56:2,10</p>	<p>entry (1) 28:18</p> <p>episode (1) 56:23</p> <p>equally (2) 46:23;47:15</p> <p>Eric (4) 3:12;6:1,6;61:13</p> <p>Errata (2)</p>	<p>exchange (1) 90:2</p>	<p>F</p>	
F				
		<p>fabricated (1) 27:13</p> <p>face (4) 19:15,15;23:22,22</p> <p>fact (5) 12:4;47:13,21;49:7; 62:11</p>		

finally (3) 15:17;50:12;66:17 finances (2) 53:11;89:12 find (1) 10:1 finder (1) 47:21 finding (3) 19:22;51:16;61:17 fine (1) 74:12 finish (1) 63:13 Fire (1) 81:19 fired (1) 36:22 first (20) 3:3;6:1;12:12,14; 17:7,11;19:12;20:17; 23:14,19;24:8;27:20; 59:3,4;63:15,17; 66:22;71:21;85:2; 89:10 fits (1) 79:20 Fitzgerald (3) 69:12,19,23 five-minute (1) 63:8 flavor (1) 21:12 flavors (1) 41:15 Floor (2) 2:5,8,5 flu (1) 56:8 focus (5) 25:11,14,15;28:6, 10 focused (2) 59:21;60:4 focusing (1) 25:7 follow (4) 21:5;61:22;80:16; 86:21 followed (2) 81:13,22 following (3) 58:8;60:18;77:9 follows (2) 6:2;63:17 follow-up (3) 77:4,8;92:11 food (1) 53:16 foreclosed (5) 26:21;27:19;34:17; 37:22;38:3 foreclosure (8)	24:15;25:7,22; 34:21;37:7,17;38:6; 77:19 Forensic (4) 15:2;83:23;84:2,8 forest (5) 59:22;60:2,2,3,5 forging (1) 60:10 form (19) 3:5,5;4:4,5,11,5,14, 21;19:12,13,21;20:6, 9;31:21;54:23;65:4; 67:21;68:3;69:1; 70:11;72:14;73:21 formalities (1) 3:5 forms (1) 4:13 forth (4) 12:20;32:1;37:11; 49:16 found (3) 22:5;40:2;70:20 four (5) 8:11;15:16;69:8; 72:7;88:22 frame (3) 19:2;84:17;85:16 free (1) 8:19 freehand (1) 67:16 freestanding (1) 80:9 friend (1) 56:12 front (3) 16:5;81:18;82:17 full (1) 6:4 function (3) 45:19;52:18;53:8 functioning (3) 52:21;57:4;58:23 furniture (1) 35:8 further (4) 3:7;80:7;92:9; 93:10	general (5) 21:11;43:5,9;46:10; 65:2 generally (7) 38:17;44:6;53:7; 56:10,16;61:18;92:21 germane (1) 21:6 gets (3) 59:20;60:4;61:4 given (7) 7:1,15;47:13;60:19; 62:5,16;74:7 gives (1) 27:9 giving (1) 39:11 Glen (2) 69:13,21 God (1) 61:14 goes (1) 46:14 good (9) 27:17,23;29:18,21; 34:14;37:13;46:2; 63:10;88:14 grasp (1) 59:14 Grisso (1) 48:22 Grisso's (1) 48:19 group (2) 56:1,2 groups (1) 65:14 guardian (3) 53:12;54:3;65:4 guardianship (4) 53:21;54:17,21,23 guess (5) 33:19;47:18;49:4; 60:9;93:4 guff (1) 81:3 guided (1) 92:17	4:5,5;66:23 happen (1) 29:1 happened (1) 70:2 happening (1) 48:10 happens (1) 47:3 hard (4) 21:5;23:9;76:12,15 hardware (2) 40:1;41:1 Harman (9) 9:1,3,17;12:6,15; 51:3,5,7;52:3 Harman's (1) 50:13 HARMON (1) 2:13,5 headache (1) 30:12 health (7) 53:17;83:3;85:4,8, 12;87:22;88:7 hear (1) 47:6 heard (2) 12:6;91:14 hearing (2) 45:5;78:15 Hefler (1) 2:21,5 held (1) 62:12 help (2) 31:21;50:20 helpful (3) 16:5;50:20;65:15 Here's (1) 73:8 high (2) 42:22;68:17 higher (1) 41:7 himself (9) 26:9;29:16;36:5; 37:12;40:19;53:9; 58:2;65:5;71:21 hire (1) 50:16 history (2) 32:18;64:13 hit (4) 45:6,17;68:17; 82:21 hold (1) 34:13 home (6) 24:16;25:8,23;35:7, 9;86:5 honest (1) 40:12	Honey (1) 27:19 hooked (1) 70:23 hope (1) 56:2 hours (1) 26:8 house (10) 26:21;33:6,9;34:1, 17;37:8,18,22;38:3,6 houses (1) 34:16 hung (1) 59:17 hyperarousal (1) 42:11 hypervigilance (1) 64:2 hypervigilant (1) 42:17 hypotheses (2) 31:22;38:21
I				
				idea (3) 29:21;54:12;56:3 identifiable (1) 64:4 identified (1) 20:23 identifies (1) 20:17 identify (6) 20:19;21:15;75:3,9; 79:12;88:21 identifying (1) 25:20 identity (1) 56:16 illness (3) 32:18;58:5,16 immediately (2) 32:5,7 impact (1) 89:23 impaired (3) 32:4;58:16;59:13 impairment (1) 58:16 impediment (1) 49:10 impersonated (1) 34:5 impersonating (1) 60:11 implied (1) 36:20 important (6) 21:13;22:21;24:5; 29:11;32:15;62:15 impression (7)

27:15;37:6,16,21; 38:2,9,13 inability (2) 33:16;59:10 inappropriate (2) 19:19;36:19 Inc (1) 2:17 incapacity (2) 91:20;92:4 included (4) 15:8;71:2;73:3; 78:5 includes (1) 84:9 incompetence (3) 31:18;47:23;48:1 incompetency (3) 44:21;47:17;48:14 incompetent (5) 32:3;35:20;36:9; 64:7,18 incorrect (2) 28:14;33:14 indexes (1) 40:14 indicate (2) 19:7;52:13 indicated (2) 23:15;43:6 indicates (1) 52:17 indications (1) 41:8 indicative (1) 52:20 individual (3) 25:19;35:23;58:9 individually (1) 25:10 individuals (1) 27:13 ineffective (2) 35:10;36:12 info (1) 4:14.5 Information (22) 4:13;17:6,7,13; 19:7,14;20:13;21:14, 16;22:20;23:7;24:5; 27:10;29:12;32:13; 50:21;51:14;67:5,16; 69:9;85:15;89:12 information-processing (1) 57:17 initial (2) 24:23;31:22 initially (1) 37:2 initiated (2) 50:3,6 injunction (1) 27:22	injured (1) 28:21 injuries (1) 45:7 injury (2) 61:11,12 input (1) 82:11 insight (3) 31:7;46:8,11 insisted (1) 61:16 instance (5) 3:3;65:17;66:1; 80:5;86:16 instructions (1) 81:13 instrument (2) 80:8,10 instruments (2) 64:3;80:20 intact (1) 31:10 intake (4) 4:4.5,14;19:13; 70:11 integrity (2) 78:13,14 intellectual (3) 52:14;57:16;81:1 Intelligence (4) 39:12;60:20;74:16; 81:1 intelligent (5) 39:13;40:3;47:13; 53:2;57:11 intelligently (1) 48:15 interaction (1) 51:10 interactions (1) 87:5 interested (1) 80:2 Internet (1) 26:8 interpret (2) 41:6;83:15 interview (6) 4:6;29:15;32:9,10, 14;68:2 interview/history (1) 4:7 interviewed (4) 37:23;38:4;67:2,21 interviews (1) 23:14 into (6) 14:11;27:6;31:7; 46:9;58:2;60:14 introduce (1) 6:13 Introduction (1)	71:13 invalidate (1) 40:13 inventory (4) 40:6;42:6;74:23; 75:5 inviting (1) 30:15 involved (9) 22:3;27:9,15;37:18; 38:6;54:18;59:15; 80:13;89:21 IQ (4) 39:5,11;81:5;82:14 Ireland (2) 2:9.5;6:10 irritation (1) 44:12 issue (6) 14:19,20;27:16; 37:18;38:7;54:20 issues (13) 24:16;25:8;28:6; 48:20;50:23;54:14; 55:9;57:6,10;59:11, 15,16;74:4 items (1) 55:3 IV (1) 78:1	J	jobs (1) 58:11 jog (1) 68:17 Johnson (3) 69:13,21;70:1 journal (1) 70:17 Jr (2) 2:19.5;11:3 judge (1) 34:12 judgment (3) 31:8;80:13;84:4 judgmental (1) 44:8 jump (1) 77:10 jumping (1) 85:23 jumpy (3) 41:21;42:12,17	K	keep (5) 33:17;42:15,20; 61:10;82:3 kept (1) 34:8	killed (1) 78:15 kind (27) 21:5;23:4;31:14; 33:22,23;34:1;36:14, 20;40:18,19;41:17; 44:6,6,7,12;45:2,22; 46:1;49:5;57:2;58:9; 59:5;60:14;63:21,22; 80:23;89:1 kinds (2) 45:8;90:9 knew (6) 38:8,9;50:22;53:18; 54:11;92:17 knowing (1) 60:16 knowledge (1) 85:6 knowledgeable (1) 92:23 knows (1) 62:13	L	lack (7) 46:7,8,11,11,13; 59:14;62:13 lacked (1) 46:5 Lafayette (1) 6:7 language (2) 30:18;52:18 Lasker (5) 2:15;3:15;72:10; 88:14,15 last (19) 10:10;12:22;15:16; 17:11;18:8;32:23; 33:17;35:1;43:13; 44:14,16;60:18; 61:22;66:6;76:2; 79:17;91:10,11;93:6 lasted (1) 59:7 late (1) 44:13 LAW (4) 2:13.5;19:18;54:16; 93:1 laws (1) 22:3 lawsuit (9) 11:9,14,18;35:3; 50:4,5,7,11;71:11 lawyer (12) 27:21;34:11;36:17, 17;37:2,8,13;46:5,21; 60:22;62:22;63:3 lawyers (6) 35:10;38:11;47:4,5;	48:5;58:18 lay (1) 79:11 laymen's (1) 53:1 LCR (2) 2:21.5,23 lead (1) 54:1 leading (1) 87:12 leaks (1) 60:9 learned (6) 17:7,8;21:15;29:12; 32:13;51:2 learning (1) 22:14 least (3) 13:14;17:21;27:7 leave (1) 31:9 led (6) 24:16;86:11;87:7, 18;88:6;92:1 left (1) 35:5 legal (15) 14:6,11,17,21; 33:11;37:18,19;38:6, 7,8;50:23;54:5,16; 58:17;62:1 legally (2) 22:1;51:16 legislators (2) 66:4;87:3 Lenny (2) 69:12,19 less (1) 9:8 letter (4) 9:4,6;70:21;81:13 level (3) 60:20;83:10;84:9 Lewis (2) 11:3;29:16 License (1) 2:22.5 lie (1) 45:9 Life (6) 4:17;21:2,9;57:23; 70:18;72:16 life-threatening (1) 64:1 likely (2) 18:3;47:15 likes (1) 36:3 limit (1) 81:20 limited (3) 31:7;74:8,8
--	--	---	----------	--	----------	---	---	----------	---	--

limits (1) 19:16		matter (3) 61:15;74:10;76:23	28:21;29:18;31:20; 38:23;46:7;52:6,23; 57:15;62:22;79:10; 84:10;90:5	2:19.5;3:14;77:6,6; 93:10
line (2) 33:17;42:3	M	may (21) 3:3.5,6;9:11;15:17; 23:4;27:1;30:8;38:23; 40:20;41:6;65:22; 67:7;71:5;72:3;83:22; 87:20;88:3,4;90:19; 91:5,8	million (3) 61:14,16;62:2	myself (1) 6:9
linear (1) 36:15	Mae (1) 90:9			N
linearly (1) 43:10	main (1) 55:22		mind (3) 7:2;26:22;66:20	NA (2) 2:2.5,12.5
linked (1) 66:14	major (3) 25:20,21;56:5	maybe (7) 14:10;21:11;24:2; 59:4;62:9,21;71:5	mine (2) 9:23;22:12	NAB (4) 4:19.5,21;5:8.5; 80:5
list (1) 8:10	makes (2) 7:4;61:20	MCA (1) 81:21	minimizing (1) 40:10	name (2) 6:4;8:22
Listen (2) 61:12;93:2	making (7) 31:17;36:1;46:5; 49:5;57:19;80:3;84:6	mean (29) 31:21;35:21;39:23; 44:10;47:3,18;48:17; 49:22;53:9;54:11,11; 57:14;60:9,9,12;61:9; 63:2,10;64:6,17; 79:19;81:14,20;83:6; 20,21;86:19;92:23; 93:1	minor (1) 40:11	narcissistic (1) 56:12
lists (1) 57:19	maladaptive (1) 56:21		minute (2) 14:2;34:13	National (2) 2:12;88:16
lit (1) 31:9	man (2) 38:22;47:14		minutes (2) 24:2;29:9	nature (2) 39:2;46:15
little (19) 21:12,19;30:7; 47:11,22;58:6;60:8; 62:9,22;79:1;80:12; 81:3;82:12;85:16; 86:2,19,20;88:17; 91:5	Manchester (2) 2:5.5,19		minutiae (1) 59:18	near (1) 84:13
livelihood (2) 86:5,6	manic (1) 56:22	meaning (1) 63:16	miss (1) 35:2	necessarily (3) 63:23;64:6,17
long (4) 24:1;29:8;33:11; 51:12	man's (1) 81:5	means (3) 40:10;42:23;48:7	missed (7) 35:14;36:7,8;50:17; 51:21;52:4,6	necessary (2) 55:3;91:13
longer (3) 12:7,15;48:2	many (3) 46:21;56:17;61:15	measured (1) 64:3	moderately (1) 40:9	need (6) 8:18;54:3;63:8; 79:9;80:7;81:7
longstanding (3) 55:11;56:20;57:7	marital (1) 24:9	Medical (2) 54:20;84:23	module (3) 4:20;39:6;73:17	needed (6) 27:10;37:8;38:7,8; 53:12;92:2
look (10) 7:18;17:5;27:21; 28:18;40:16;62:23; 71:23;74:11;88:22; 89:20	mark (21) 8:7;10:5;11:6;20:2; 66:18;67:9,17;68:8; 19:69;5;70:7,13;72:6; 19:73;10;74:1,17; 75:6;82:16;93:5,6	meet (3) 16:18;28:16;33:15	moment (5) 6:9;8:23;15:11; 20:7;55:14	needs (2) 53:16;60:3
looked (3) 21:5;80:18;89:17	marked (32) 8:9;10:6,7,17;11:7; 8;16:4,7;20:4,5;50:4; 67:11,19;68:9,21; 69:7;70:8,14;72:12; 21:73;12,18;74:5,19; 75:1,7,12,18;76:1,6; 82:4;93:7	Megan (1) 2:21.5	money (1) 54:13	negative (1) 63:23
looking (7) 30:17;38:20;57:14; 71:10;72:7;84:13; 89:17	Market (1) 2:18.5	Mellon (2) 2:3;6:11	months (1) 15:16	neuropsychological (7) 39:7,16;52:16; 73:16,22;75:22;81:16
looks (4) 66:22;72:2,14;73:7	marriage (2) 25:1,4	memory (2) 52:18;68:18	Montreal (2) 5:7;75:15	Neuropsychology (1) 15:3
loose (1) 71:10	married (1) 7:10	men's (1) 63:9	more (15) 7:4;9:8;15:9;21:19; 23:23;10;25:9,10; 27:10;43:1,19;47:11; 48:13;56:18;71:5	New (11) 2:2.5,5.5,17,19;3:4; 6:7,11;35:4;54:15; 77:7;93:15
loses (2) 59:21;60:4	marrying (1) 54:23	Mental (29) 4:11.5;17:14;18:3; 15,18;30:4;31:18; 32:18;44:21;45:8; 46:12;47:17;48:14; 16;54:16;55:23; 57:12;58:5,15;69:1; 75:16;83:3;85:4,8,11; 87:22;88:7;91:20; 92:4	Mortgage (12) 2:12,12.5;26:7,13, 19,21;27:3;28:7; 33:14;59:6,12;88:16	news (2) 61:5,7
loss (4) 35:6;86:5,6,8	Mart (12) 3:12,20.5;6:1,6,9; 7:22;14:5;20:5;63:14; 67:20;76:6;93:17	mentally (7) 32:3;35:19;36:9; 64:7,18,21,23	mortgages (1) 34:2	Newton (1) 2:14.5
lot (6) 27:12;34:22;42:23; 51:14;54:21;81:9	M-a-r-t (1) 6:6	mention (5) 65:17,20,23;74:3; 86:16	most (9) 14:13;21:11;40:12; 43:1;53:5;57:23; 62:21;65:2,2	next (26) 6:10;11:6;12:21; 20:3,9;32:8;38:14; 42:6;55:5;66:19;67:9; 68:5,10,20,22;69:5; 70:13,15;72:8,20; 73:11,13,19;74:13,20; 75:2
low (1) 54:11	Massachusetts (1) 2:14.5	mentioned (5) 6:9;32:19;33:23; 65:13;76:10	movement (1) 30:19	NH (1) 2:23
lower (1) 40:20	material (7) 13:4,13,14;38:20; 71:16,18;89:21	met (3) 16:16;30:5;36:23	MSW (1) 83:6	Nobody (3) 53:18;85:4,7
luck (1) 25:17	materials (4) 12:16;71:4;82:8,20	might (12)	much (4) 25:17;45:11;66:12; 87:1	None (2) 32:19;78:18
			multiple (2) 47:4;83:5	
			Murphy (5)	

normal (6) 42:8,9,21;52:20; 56:15;58:23 normally (2) 56:9;58:21 North (1) 2:9 note (2) 15:18,22 noted (3) 30:23;32:12;88:19 notes (13) 4:5,5,8,5,10;66:23, 23;67:2,5,16;68:1,6, 12,14,15 Notice (3) 3:5;9:10;27:19 noticed (1) 31:11 notification (1) 26:14 Number (3) 3:19;4:3;5:4	occurring (1) 18:4 OCD (2) 44:2;58:6 October (10) 10:12,14;12:9,12; 13:16;16:20;17:2; 18:2;23:16;87:23 Off (21) 7:20,21;14:1,3; 21:8;33:18;34:13; 52:12;54:22;60:13; 63:11,12;65:4;70:18; 71:16,17;72:10,11; 90:14;93:12,13 office (12) 9:14;12:18;13:5; 16:17;23:6;45:15; 50:13;65:21;66:2; 76:12;86:17,23 OFFICES (1) 2:13.5 often (2) 14:8;21:21 old (2) 7:8,9 once (2) 16:18;37:9 one (51) 7:13;8:7;9:10,12, 13,13;18:12;20:8,8; 21:18;23:15;24:16; 28:5,5;29:6,7;37:2,13, 14;38:19,22;41:2,10; 44:16;46:10;47:3,7; 48:20;53:19;55:21, 23;56:1;58:4;60:15; 65:22;68:15;69:3; 70:7,22;72:6;75:10; 79:17,18,20;81:3,15, 17;87:14,15,21;92:11 one-page (5) 70:9;72:22;73:6; 75:8,13 one-paragraph (1) 72:22 ones (8) 65:3;79:14;80:22; 81:14,21;82:10;89:1, 5 only (5) 16:7;23:21;81:14, 15;85:15 open (2) 34:1,16 operating (2) 22:11;79:3 opinion (17) 18:1;28:12;49:16; 54:8;55:2;58:14;62:5; 64:23;66:7,9,15;84:6; 87:18;90:3;91:11,12, 18	opinions (3) 16:10;18:18;19:3 opportunity (1) 23:15 opposed (2) 47:17;56:21 Order (7) 11:1,1;17:12;37:7, 17;38:5;83:18 organic (2) 31:14;39:2 others (1) 87:5 out (22) 9:17;11:20;15:13; 22:5,11;23:4;25:4; 34:14;36:21;41:15; 42:16;47:18;51:13; 57:3;58:23;60:9; 61:17;69:2;70:12; 78:7;79:14;82:7 outraged (1) 49:8 Over (8) 15:16;38:20;59:7; 77:3;80:21,21;86:2; 88:4 overwhelmingly (1) 84:11 own (1) 75:23	70:7,13;72:19;73:10; 74:1,17;75:6;82:4; 86:3;88:19;90:6; 92:11;93:8,11,14 paragraph (8) 17:5,8,11;32:23; 35:1;63:15;66:6; 91:11 paranoia (1) 31:20 paranoid (2) 31:5;60:14 part (15) 11:14;32:6;35:5; 44:10;47:2;53:5;55:5; 56:16;68:1;71:8;74:4; 75:16,22;81:6;89:18 particular (7) 15:11;19:6;42:4; 44:16;58:22;87:15,15 particularly (1) 47:6 past (2) 8:11;53:15 patience (2) 77:2;93:11 pattern (3) 49:6;55:12;56:21 payment (3) 76:20,21,22 payments (1) 26:16 PC (2) 2:4,5,13.5 peers (1) 81:2 people (30) 19:18;21:21;22:7; 27:5;29:1;32:4;33:15; 34:1,2,3,5;43:1;44:5, 5;45:1,9;49:19;56:18; 58:3;60:10,17;61:19; 62:21;63:22;69:11; 70:4,6,11;74:11; 80:18 perceived (1) 78:10 perceives (1) 62:6 perceptions (3) 30:20,22;71:22 perfect (1) 58:2 period (7) 17:14,17,18,20; 57:1;59:2,7 person (13) 19:13;30:15;36:6; 39:13;40:3;41:7;47:9; 48:22;56:19;57:12; 71:21;81:18;89:10 personal (5) 31:7;53:16;61:11,	11;89:7 personal-injury (1) 45:5 personality (17) 40:5,15;43:19;44:1, 15;47:16;48:8,13; 49:12,15,23;55:12; 56:10;62:10;64:9; 75:5;91:15 persons (1) 65:11 person's (2) 48:20,23 Peter (8) 4:9;29:3,6,13,16; 68:7;69:12,15 PETERS (1) 2:18 phases (1) 30:10 phone (4) 23:22,23;29:4;68:7 physician (1) 30:10 physiological (2) 41:9,19 pick (1) 13:4 piece (2) 21:3;62:19 pieces (2) 36:4;45:17 pin (1) 47:12 PIPER (1) 2:4.5 Piro (43) 4:10.5,18.5;20:20; 23:1,16;24:1,4,9; 25:6;26:2,5,5;28:3,5, 8,12;29:16;53:18; 68:13,16;69:12,17,17; 70:20;71:3,12,20; 72:3,8;73:1,8,9; 77:20;78:20;84:14, 22;85:2,17;88:22; 89:10;90:23;91:2,4 Piro's (3) 4:15.5;24:22;89:17 place (3) 26:18;35:8;77:21 places (1) 86:20 play (2) 31:6,20 please (3) 6:21;74:1;75:13 pm (1) 93:19 pockets (1) 44:8 point (12) 24:12;25:5;27:11;
O		P		
objections (1) 3:5.5 objective (1) 84:3 objectively (2) 22:17;40:21 observations (4) 31:15,17;32:1; 64:13 observed (5) 46:10;67:8;86:4; 87:23;88:7 observes (1) 30:13 obsessional (1) 55:11 obsessive (4) 49:6;64:9,16;91:15 obsessive-compulsive (4) 44:1;55:18,20,22 obtain (1) 11:10 obvious (6) 27:18;34:10;39:8; 48:3;49:11;58:20 obviously (1) 50:3 occasionally (1) 60:9 occasions (1) 46:22 occur (1) 24:21 occurred (10) 17:22;33:8;38:22; 43:8;53:11;59:2,3; 62:6;78:18,20		overwhelm (1) 84:11 own (1) 75:23	PC (2) 2:4,5,13.5 peers (1) 81:2 people (30) 19:18;21:21;22:7; 27:5;29:1;32:4;33:15; 34:1,2,3,5;43:1;44:5, 5;45:1,9;49:19;56:18; 58:3;60:10,17;61:19; 62:21;63:22;69:11; 70:4,6,11;74:11; 80:18 perceived (1) 78:10 perceives (1) 62:6 perceptions (3) 30:20,22;71:22 perfect (1) 58:2 period (7) 17:14,17,18,20; 57:1;59:2,7 person (13) 19:13;30:15;36:6; 39:13;40:3;41:7;47:9; 48:22;56:19;57:12; 71:21;81:18;89:10 personal (5) 31:7;53:16;61:11,	personal-injury (1) 45:5 personality (17) 40:5,15;43:19;44:1, 15;47:16;48:8,13; 49:12,15,23;55:12; 56:10;62:10;64:9; 75:5;91:15 persons (1) 65:11 person's (2) 48:20,23 Peter (8) 4:9;29:3,6,13,16; 68:7;69:12,15 PETERS (1) 2:18 phases (1) 30:10 phone (4) 23:22,23;29:4;68:7 physician (1) 30:10 physiological (2) 41:9,19 pick (1) 13:4 piece (2) 21:3;62:19 pieces (2) 36:4;45:17 pin (1) 47:12 PIPER (1) 2:4.5 Piro (43) 4:10.5,18.5;20:20; 23:1,16;24:1,4,9; 25:6;26:2,5,5;28:3,5, 8,12;29:16;53:18; 68:13,16;69:12,17,17; 70:20;71:3,12,20; 72:3,8;73:1,8,9; 77:20;78:20;84:14, 22;85:2,17;88:22; 89:10;90:23;91:2,4 Piro's (3) 4:15.5;24:22;89:17 place (3) 26:18;35:8;77:21 places (1) 86:20 play (2) 31:6,20 please (3) 6:21;74:1;75:13 pm (1) 93:19 pockets (1) 44:8 point (12) 24:12;25:5;27:11;

31:13;49:3;50:3,9; 53:10;56:14;72:14; 87:14;88:9 points (2) 68:17;92:15 policies (1) 20:10 pop (1) 90:17 portion (1) 52:11 Portsmouth (1) 6:7 position (1) 22:16 possible (1) 23:3 potential (1) 79:13 practice (2) 3:4;83:4 predominant (1) 41:21 premises (1) 22:11 preoccupation (1) 57:19 prepared (2) 60:12;65:8 present (4) 16:1;36:15;50:2; 63:15 presented (2) 48:11;51:14 presents (1) 57:4 press (4) 15:1,13,14;45:2 pretty (5) 46:2;61:2;66:12; 80:6,15 prevent (2) 48:10;50:10 previous (1) 51:11 primarily (1) 18:6 primary (1) 87:11 PRIMMER (1) 2:4.5 print (1) 23:9 printout (2) 75:4;82:22 printouts (2) 82:11,23 prior (9) 7:1;17:8;18:19,22; 19:3;42:18;44:20; 85:21;88:5 probably (9) 37:12;40:20;49:22;	50:1;55:14;69:3; 80:18;81:6;88:2 problem (10) 22:12;26:7,9,13,19, 20;31:14;33:8;34:7; 39:8 problems (16) 31:7,8;33:6;40:23; 41:4;49:13;53:6,20; 56:17,18,19;57:4,15; 92:1,3,7 procedure (3) 6:16;43:14;79:3 proceeding (1) 26:17 proceedings (1) 53:21 process (9) 25:14;33:11;34:6; 46:9;49:11;80:3; 89:23;90:11;92:16 processes (2) 21:12;39:9 produce (1) 10:17 produced (3) 9:20;10:2;12:2 producing (1) 13:14 professional (2) 80:13;91:18 profile (1) 75:11 program (1) 82:18 programs (1) 82:19 prompted (1) 13:2 pronounced (1) 88:10 proper (1) 91:19 properly (2) 17:18;49:9 protocol (2) 58:8;80:15 protocols (4) 15:7;81:10,22;82:1 provide (5) 8:15;9:3;17:13; 53:15;76:13 provided (3) 15:23;73:4;90:23 PSTD (2) 28:13,17 Psychological (1) 15:4 psychologist (3) 30:9;45:11;83:8 psychology (1) 83:17 psychometric (2)	84:9,19 psychometrics (1) 83:15 psychotherapy (1) 83:22 PTSD (5) 78:2,7,9;85:19,21 PTSD/LAS (1) 71:14 PTSD/Legal (1) 28:9 publication (1) 15:12 published (1) 15:3 pull (1) 48:9 purpose (2) 19:8;45:10 purposely (2) 40:16,18 purposes (5) 3:3.5;21:9;22:13, 22;83:5 pursuant (1) 15:19 pursue (2) 58:17;65:10 pursuing (3) 27:5;62:7,17 put (5) 40:23;59:20;71:7; 74:6;82:20	2:21.5 reaching (1) 66:9 read (2) 18:8,10 reading (2) 61:17;89:22 reads (1) 19:13 real (2) 77:7;87:6 reality (2) 21:22;41:6 really (20) 21:6,13;22:3,16; 27:10,16,23;34:14; 40:17;41:2;45:12,13; 48:3;58:23;62:7;68:2; 70:5;85:7;88:17; 89:22 Realty (2) 2:17;77:8 reason (9) 36:21;37:15;38:12; 41:13;45:19;52:5; 84:3;91:18;92:7 reasons (1) 48:7 recall (26) 9:5,17;12:4,14; 14:13;15:12;17:19; 18:21;19:22;22:13; 24:1;25:12,13,16; 26:14;29:8;33:4; 51:12;52:1,3;65:19, 22,23;68:14;89:17; 90:19 receive (2) 91:2;93:18 received (6) 23:1;26:14;76:21; 91:1,3,6 recent (1) 14:13 recently (2) 15:1,1 Recess (1) 14:4 recognize (1) 61:22 recognized (2) 37:6,16 recognizes (1) 63:22 recollection (1) 37:1 Recollections (3) 4:16.5;21:8;72:15 Record (19) 4:21;7:3,20,21; 14:1,3;15:18,22; 20:16;63:11,12; 72:10,11;73:21;74:6;	75:21;84:14;93:12,13 records (2) 84:22,23 recourse (3) 37:19;38:7,8 recover (3) 33:12;62:1;63:2 refer (6) 8:19;26:22;51:21; 60:7;91:10;92:19 reference (1) 18:23 Referral (2) 17:5;19:7 referred (5) 20:7;43:23;56:1,2; 70:19 referring (6) 17:17;20:8;88:20; 90:4,22;92:13 refers (3) 48:22;71:11,11 refinish (1) 35:8 reflect (1) 18:5 reflected (1) 18:15 regained (2) 14:16,21 regaining (1) 15:8 regarding (8) 7:23;10:13;16:8,11; 17:1,13;23:20;76:7 Registered (1) 2:22 relate (2) 19:4;43:11 related (5) 24:23;43:19;59:11; 64:4;85:12 relating (1) 23:8 relationship (2) 24:10;63:4 relatives (1) 54:12 releases (1) 70:4 relevant (5) 22:21;24:6;29:11; 30:23;32:14 relief (1) 58:17 relocate (1) 35:4 rely (1) 66:10 remember (1) 29:22 rendered (2) 16:11;18:18
			Q	
		qualify (2) 64:5;88:11 quick (1) 7:17 quite (5) 12:18;31:12;48:9; 49:17;65:4		
		R		
		raise (1) 54:13 raised (2) 31:4;50:18 RAIT (1) 4:22 rated (1) 43:22 rather (3) 42:21;48:13,14 rational (2) 44:3;53:4 rationally (1) 59:11 RBS (2) 2:12.5;11:3 RDR (1)		

rental (1) 35:8	response (2) 34:4;43:8	63:5,5,6	scoring (13) 4:19.5;22,23;5:5,6, 7.5,8.5;73:15;74:15, 22;75:10,15;82:16	settlement (1) 14:11
repair (1) 24:9	responses (2) 75:23;82:21	rigid (4) 40:19;44:2,6;61:3	7.5,8.5;73:15;74:15, 22;75:10,15;82:16	seven (1) 14:10
repeat (2) 6:17;52:23	responsible (1) 35:6	rigidity (6) 49:5,15;61:20;62:5, 11;64:15	screening (7) 4:19.5;39:6;52:17; 73:16;79:13;80:2,7	several (5) 35:10;44:14;71:14; 87:21;89:8
rephrase (1) 6:22	result (7) 39:10,20;40:22; 45:3;59:10;86:22; 87:2	rmurphy@wadleighlawcom (1) 2:20	Seabrook (1) 35:4	severe (1) 58:20
report (40) 3:21.5;9:20;10:2,8, 12,17;12:2;13:16; 16:4,7,8,10,20,21; 17:2,20;18:1,23; 20:16,17;21:16; 22:18;24:4;26:4,23; 29:10;30:23;32:2,8, 23;36:15;38:14; 52:11;63:14;65:8; 66:6;77:13;86:2; 89:18;91:6	resulted (1) 47:16	Road (1) 6:7	searching (1) 26:8	severely (1) 58:16
reported (1) 26:6	resulting (1) 87:22	Robert (1) 2:19.5	second (3) 20:19;64:9;74:23	sexual (2) 19:19;54:19
Reporter (3) 2:21.5,22,22.5	results (3) 43:18;52:12;64:12	role (2) 31:6,20	section (4) 20:16;30:3;32:8; 38:14	shade (1) 60:13
reporting (2) 26:1,2	retain (2) 13:7;74:10	room (3) 30:16;63:9;70:12	security (1) 74:3	shall (1) 3:2.5
reports (1) 35:9	retained (8) 5:10.5;8:21;9:16; 10:16,18;11:17; 13:10;36:23	routinely (1) 21:19	seeing (5) 23:5;25:6;38:10; 51:7,8	shape (1) 46:2
represent (6) 6:10,12;11:13;45:4; 77:6;88:15	retainer (2) 9:4,6	RSA (1) 2:23	seem (2) 56:13;64:4	Shedler-Westen (1) 43:14
representations (2) 21:21;85:14	retaining (1) 22:9	ruled (1) 78:6	seemed (2) 46:8;92:7	sheet (12) 4:22,23;5:5,6,7.5, 8.5;74:15,22;75:15, 21;82:17;93:16
represented (1) 22:6	retention (1) 8:18	ruling (1) 79:14	seems (4) 59:17;89:7,9,11	sheets (1) 75:10
Representing (4) 2:2.5,12,17;12:7	return (1) 93:16	rushed (1) 23:4	sees (2) 40:19;62:18	shelter (1) 53:17
represents (1) 47:8	reunification (1) 25:18	S	selected (1) 80:12	shift (1) 63:9
reputable (2) 61:10,11	reunite (1) 25:1	safety (1) 53:17	Senator (1) 66:1	short (1) 41:20
requested (2) 17:12;18:10	review (4) 20:16,22;62:2; 89:16	same (5) 39:16;42:4;50:15; 83:7,10	send (3) 9:14;23:9;93:17	shortcomings (1) 40:11
required (1) 19:17	reviewed (3) 22:14,19;44:15	satisfied (1) 33:10	sense (4) 34:20;37:9;41:17; 65:2	show (20) 7:14;8:3;10:7,21; 11:4;20:5;68:10,22; 69:8;70:9,15;73:13, 19;74:13,20;75:2,8, 13,19;76:2
requires (1) 84:5	reviewing (2) 43:18;51:18	saw (10) 18:6,12;24:8;27:2; 42:18;51:8;85:2,4; 86:12;87:7	sent (3) 11:11;70:17;91:8	showed (3) 12:18;50:12,14
research (2) 14:19;34:18	revolves (1) 56:13	saying (18) 13:19;17:6;21:7,14; 22:7,20;24:3;31:3; 32:12;39:10;41:7; 42:7;46:1;52:12; 53:23;60:19;69:14; 91:23	sentence (1) 17:11	showing (1) 74:9
researched (1) 15:6	Reynolds (4) 39:11;74:15;81:1, 18	scale (4) 41:11;42:5,12,14	separate (1) 72:17	sight (2) 59:21;60:4
resentment (1) 44:8	right (68) 10:3;18:2,3;19:5; 22:8;25:9;27:12,22; 28:8,18;30:14;37:14; 39:15;41:14;43:12, 16;44:5,9;45:9,12; 46:6,16,18;48:3,4; 50:12,18;53:9;54:6; 55:9,16;56:6,9;57:23; 61:9,12,13;62:4,4,14, 18;64:7,22;67:15; 68:4;77:15,18;78:8, 13;79:3,16,19;80:8,9; 82:12;83:2,4;84:1,6, 7;85:15,17;86:15,23; 87:3,20;90:8;92:23	scales (3) 40:20;42:9,10	separated (1) 24:12	sign (2) 31:18;32:2
reserved (1) 3:6	righted (3)	schedule (1) 20:9	separation (1) 24:17	signature (4) 3:8;10:10;60:11; 89:11
resistant (2) 46:7,19		scheduling (1) 13:2	September (4) 11:2;18:13;30:5; 38:5	signed (2) 3:7.5;71:9
resolve (3) 26:9;27:16;34:7		score (1) 82:3	series (1) 72:13	significance (1) 43:2
respect (3) 10:19;88:18;90:12		scored (2) 39:13,17	serious (1) 58:5	Signs (5) 30:12;41:9,19; 43:23;44:20
respond (1) 45:20		scores (3) 40:20;42:7;75:4	seriously (1) 28:21	similar (1) 42:17
			serve (2) 11:17;12:2	simply (4) 34:6;59:18;61:5;
			served (1) 15:19	
			set (2) 32:1;62:20	

80:6 sit (2) 17:19;81:18 sits (1) 44:12 sitting (5) 18:21;23:4;69:4; 71:15;89:20 situation (14) 21:23;22:1;31:6; 33:2;34:12;48:22; 49:13;51:13;58:22; 60:15;61:4;64:1,14; 83:21 situations (2) 58:2;65:16 sketched (1) 9:17 sleep (1) 45:18 sleeping (1) 41:20 slight (1) 78:2 slippage (1) 60:8 slowed (1) 37:3 smart (1) 40:2 Smith (2) 36:17,17 solve (1) 53:6 somebody (11) 14:16;15:10;28:21; 38:19;45:16;47:4; 50:17;56:4,22;61:7; 85:12 someone (11) 14:20;40:16;41:5; 60:20;64:18,20;77:3; 78:14;81:8;83:21; 92:17 someone's (1) 14:6 someplace (1) 89:19 sometimes (6) 22:5;32:4;47:3; 62:12;77:10;79:19 somewhere (1) 71:6 son (6) 7:13;29:3,6,13; 53:19;85:15 sorry (3) 10:1;38:1;90:7 sort (22) 9:4;11:19;12:20; 21:3;24:20;25:18; 36:1,3,14;38:7;41:17; 46:17;50:15;51:13,	13,15;61:20;64:13, 15:70;17;89:10;91:23 sorted (1) 34:14 sounded (1) 82:3 sounds (1) 77:18 spatial (1) 52:18 speak (7) 23:15;29:6;51:11; 69:17,19,21,23 speaking (1) 68:6 specific (6) 17:20;43:11;50:23; 78:12;83:15;92:20 specifically (4) 35:13;42:3;88:20; 90:2 specified (1) 63:17 speech (1) 30:17 spell (1) 56:3 spent (2) 26:8;33:12 spoke (12) 12:13,21;23:19,21; 24:1;29:3,8;53:18; 61:15;68:15;69:14; 87:3 spoken (1) 12:9 spouse (2) 86:8,9 stand (2) 22:10;66:19 Standard (15) 4:4.5;9:6,8;19:12, 21:20;6:54;5,15,17, 18;79:2;80:15;81:10, 22;84:5 standpoint (1) 55:6 STARR (1) 2:18 start (2) 52:12;72:15 started (5) 25:3,6,9;28:5;33:13 starting (2) 32:20;33:7 starts (1) 60:13 state (10) 6:4;17:14;18:3,6, 16,19;19:18;34:2; 63:14;65:14 Statement (4) 4:18;72:23;73:9;	86:1 states (3) 6:2;17:12;26:4 stating (1) 91:17 statistics (1) 83:14 status (6) 4:11.5;30:4;69:1; 75:16;85:8,12 stenographer (1) 6:5 stenotype (1) 3:3 steps (2) 91:13;92:8 Steve (5) 4:18.5;68:13;70:20; 73:1,9 Steven (1) 20:20 still (2) 41:5;59:9 STIPULATIONS (2) 3:1;93:15 stopped (2) 37:4;89:22 stops (1) 57:1 story (1) 27:9 STRAWN (1) 2:8 Street (4) 2:5,8.5,14,18.5 strength (1) 49:1 strengths (1) 48:20 stress (1) 41:11 stress-induced (2) 79:7;86:12 stressor (3) 25:20,22;64:4 stressors (5) 86:11,15;87:7,11; 88:5 stress-related (1) 63:18 strike (5) 11:1;31:16;35:16; 51:1;66:5 strongly (2) 52:20;62:12 strongly-held (1) 62:6 structure (2) 48:9,17 struggle (1) 62:22 study (1) 14:19	style (2) 40:15;44:3 submission (1) 3:7.5 Subpoena (5) 5:9.5;15:19;16:1; 76:3;93:5 subscales (1) 41:10 substance (2) 13:16,20 subsumed (1) 54:21 suddenly (3) 56:4,8,22 suffer (1) 28:19 suffered (1) 58:15 suffering (3) 28:9;39:21;91:21 sufficient (1) 29:23 sufficiently (1) 88:10 suggest (2) 53:12;63:7 suggested (2) 29:18;69:23 suggestive (2) 31:14;39:4 suicidality (1) 19:19 suit (2) 51:23;52:4 summarize (3) 29:10;33:5;66:7 summarizes (2) 32:10;38:14 summary (5) 22:18,20;52:8;55:5; 91:11 supposed (1) 65:15 Sure (15) 6:6;7:7;8:20;16:6; 18:7;23:12;25:13; 38:2;52:10;62:10; 66:21;77:12;80:14; 82:13;87:9 surrounding (2) 25:8;28:7 suspect (1) 34:11 SWAP (2) 43:16;81:21 SWAP-200 (2) 5:6;75:10 switched (1) 25:18 sworn (1) 6:1 Sykes (121)	4:9;7:23;8:18,21; 9:19;10:2,13,16,19; 11:3;12:8,9;13:3,10, 17,20;15:23;16:8,11, 16;17:1;19:9;21:1,8, 10;23:8,20;24:6,8,12, 17,19,23;25:1,6,19, 22;26:6,12,20;27:7; 28:1,4,5,8,13,16; 29:12,16,16;30:6; 31:15,17;32:1,3,10, 17;33:1;35:2,12,16, 18;37:6,16;38:2,15; 39:11,13,17,21;40:2; 43:17;44:18,19; 45:12,22;47:13;48:4; 50:3;51:4,7,8;52:13; 53:1,15;54:2,8;55:2, 6;58:15;62:7,17; 63:16;64:20,23; 65:10;67:3,6,22;68:7; 69:3,12,15;70:17; 71:5,7,16;73:4,75:17, 23;76:8,17,22;84:19; 85:2,13,18;89:8; 90:14;91:12,19 Sykes' (9) 11:8;17:8,14;24:16; 25:7;28:7;29:3,6; 86:11 Sykes's (4) 42:7;57:5;60:19; 76:23 symptom (3) 42:6;74:22;87:16 symptomatology (1) 88:10 Symptoms (4) 30:11;57:6;66:15; 91:16 Syndrome (2) 28:10,13 syntonic (1) 56:3
T				
talk (10) 13:5;19:14,15; 29:17,18;34:3;47:23; 61:19;66:3;86:3 talkative (1) 31:12 talked (7) 21:4;33:7,10;35:21; 65:13;79:1;86:19 talking (9) 27:5;30:16;33:13, 20,21;37:1;38:19; 71:21;90:5 talks (1) 55:5 tangents (1)				

33:19 tasks (1) 75:23 telling (8) 17:22;27:2;46:7; 47:5;51:12;52:3; 60:21,22 temporarily (1) 37:3 tendency (1) 90:17 tension (1) 29:23 term (3) 27:8;62:13;92:6 termed (1) 28:9 terms (7) 17:21;21:11;51:7; 52:5;53:1;78:6;80:11 terrible (1) 30:12 terror (1) 28:23 test (22) 39:5,11,12;40:8,9, 13,22;42:2,6,8,18; 43:13,18,19;74:3,16; 75:11;81:1,18;82:15, 18;83:14 testamentary (3) 54:6,9,17 testified (2) 8:11,12 testify (2) 11:23;85:7 testimony (3) 18:10;74:7;90:1 testing (8) 64:12;82:7;84:9,12, 14,16,19;85:9 tests (23) 18:5,12,15;38:15, 18;39:20;44:14,17; 69:4;79:22;80:16; 81:9,11;82:5,11,14; 83:2,7,13,14,18,22; 84:3 theory (2) 46:3;48:6 therapy (1) 25:19 therefore (1) 60:23 thinking (7) 31:5;37:11;49:6; 59:23;60:14;92:20,21 third (6) 3:22.5;10:22;11:4, 8;20:18;50:5 Thomas (2) 2:6;48:19 though (3)	45:14;50:9;61:9 thought (21) 21:12;22:21;24:5; 27:17;28:15,20; 29:10;30:18;31:2,6, 19;33:13;34:5;35:19; 43:22;49:10;50:19; 53:4;89:5,23;90:11 thoughts (2) 42:15,20 Threat (1) 78:13 threatening (3) 78:10,11,12 threats (2) 19:18;42:13 three (5) 15:16;41:14;66:22; 72:7;90:12 throughout (2) 38:10,11 till (1) 34:13 Timely (4) 4:18;45:20;72:23; 73:8 times (6) 12:11;14:8;33:18; 44:11;54:8;60:3 titled (1) 69:9 today (7) 18:21;46:16;50:6; 71:15;74:8;76:4,7 today's (1) 16:1 together (4) 48:9;71:1;72:16,18 told (9) 12:7;24:19;33:6; 34:5;35:3;50:13; 60:12;61:12;67:6 tongue (1) 88:3 took (7) 51:12;58:23;67:2; 68:1,6,12,14 top (2) 20:8;71:10 towards (2) 35:1;44:15 tpappas@primmercom (1) 2:6.5 track (1) 77:11 traffic (1) 58:4 training (1) 83:15 trait (1) 60:18 traits (9) 49:15,19;50:1,10,	10;57:18;58:12; 62:10,15 transaction (1) 46:15 transcribed (1) 3:3 transcript (1) 93:17 trauma (5) 42:6;63:17;74:22; 87:15;91:16 trauma-related (3) 42:5;43:7;78:4 traumatic (1) 41:11 treated (1) 56:23 trees (2) 59:21;60:4 trial (1) 3:6 tried (2) 36:13;82:3 triggering (1) 78:18 tripped (1) 88:4 trouble (1) 41:20 true (6) 21:17;22:15;86:13; 87:8,13,20 trust (1) 63:3 try (1) 6:21 trying (8) 25:1;27:15;34:3; 40:16,18;42:20; 47:20;79:12 TSI-2 (2) 4:23;81:21 turn (1) 77:3 turning (1) 38:20 turns (1) 22:10 two (11) 18:11;20:17;30:1, 10;39:20;43:3;48:19; 55:22;72:6,15;78:3 type (16) 14:12;19:20;26:17; 27:6,14;28:20;29:2; 36:5;38:23;41:18; 45:3;51:18;55:1;58:8; 71:14;78:16 typed (2) 72:13,22 types (3) 45:1;65:15;80:19 Typically (2)	49:19;63:11 Tyron (1) 2:8.5 U ultimate (1) 31:1 ultimately (1) 80:12 unable (5) 37:14;53:15;91:13; 92:2,8 unclear (1) 85:16 under (7) 3:4;17:5;19:7; 20:12;47:11;54:15,21 under-respond (1) 44:10 understands (1) 59:16 understood (15) 6:20;37:20,21;38:3; 47:1,14;48:5,5,6; 79:21,21;80:5;83:6, 23;86:22 unhappy (2) 86:22;87:2 universe (1) 74:10 unlikely (1) 60:12 unnumbered (1) 71:23 unpleasant (2) 42:15,20 unsupervised (1) 31:10 unusual (1) 47:22 unwilling (1) 47:10 up (21) 12:18;13:4;14:8,12; 33:17;37:22;38:4; 42:22;44:8;50:13; 54:20;59:17;60:7,18; 61:17,22;62:20; 63:13;77:4,9;79:22 updated (1) 8:6 upon (6) 26:21;34:17;37:22; 38:4;79:23;85:13 upset (1) 35:22 use (13) 9:7;13:7;37:13; 67:15,21;80:3;81:9, 10;82:17,18;83:22; 84:2;92:5 used (6)	3:3.5;21:9;80:9,22; 81:7;83:3 useful (2) 11:22;30:2 using (2) 48:18;80:8 usual (1) 93:14 usually (1) 47:23 V validity (1) 42:9 variety (2) 15:5,6 various (5) 38:14,18;62:10; 66:3;92:15 venue (5) 91:14,20;92:12,19; 93:4 Verified (4) 3:22.5;10:23;11:9; 20:18 version (1) 9:18 versus (1) 51:7 victim (1) 46:2 Victor (2) 69:12,17 view (4) 50:13;61:3,7,8 views (2) 62:6,11 vigilant (1) 42:12 vindication (1) 62:20 visit (1) 63:8 vitae (1) 3:20 volumes (1) 78:3 voting (1) 54:23 W WADLEIGH (1) 2:18 waiting (2) 30:16;70:12 waived (2) 3:5.5,8 wants (5) 62:14,18,20;63:4,5 way (15) 43:6,9;48:14;57:7,
--	---	--	---	--

10,18,22;59:20; 62:19;63:5;70:2,20; 76:14;79:8;87:10 ways (1) 59:16 weaknesses (2) 48:21;49:1 Wechsler (2) 81:7;82:15 weeks (1) 12:22 well-educated (2) 40:3;53:2 weren't (2) 38:12;92:20 what's (6) 22:6;27:20;30:17, 18;43:23;56:14 whatsoever (1) 91:4 When's (1) 12:21 Whereas (2) 57:2;62:21 whichever (1) 76:14 who's (1) 89:2 whose (1) 8:22 wife (7) 24:13,18,20;25:2; 35:5;70:4;90:20 WINSTON (1) 2:8 within (5) 3:7.5;8:2;19:21; 23:2;83:17 without (1) 87:22 witness (4) 11:18;12:3;13:7,11 wonder (1) 10:1 wording (1) 29:22 words (19) 22:1;27:9;36:2,16; 37:10;40:2;41:12; 45:3,23;46:4,15; 48:23;51:14;53:1; 56:11;58:10;62:21; 73:7;81:5 work (13) 8:18;10:13;15:14; 17:1,4;24:23;28:11; 33:9;35:7;48:19;76:8, 17;77:20 worked (2) 37:2;58:1 working (3) 12:15;25:9;76:22 world (1)	56:13 worry (1) 41:16 worth (5) 61:13,16,18;62:23; 63:1 wound (1) 60:6 wrinkle (1) 88:3 writing (1) 89:2 written (2) 89:9;91:3 wrong (9) 27:13;39:23;56:9; 59:6;60:13;62:14,18; 63:4;78:21 Y years (3) 7:9;8:11;53:15 York (2) 2:2.5;6:11 Z zone (2) 59:1;78:15 0 02458 (1) 2:14.5 03101 (2) 2:5.5,19 03801 (1) 6:8 1 1 (3) 3:20;8:8,9 10 (5) 3:21.5;4:14;11:2; 53:15;70:14 10/22/14 (1) 3:21.5 10:48-10:53 (1) 14:4 100 (1) 2:8.5 11 (8) 3:23;4:15.5;72:12; 88:20,21;89:4,9; 90:13 12 (8) 4:16.5;72:21;88:20; 89:3;90:5,6,7,13 12:53 (1) 93:19 13 (6)	4:18;73:12;88:21; 90:3,6,13 14 (4) 3:7.5;4:19.5;73:18; 93:16 15 (5) 4:21;24:2;29:9; 74:2,5 150 (1) 2:14 16 (4) 4:22;23:16;74:18, 19 17 (2) 4:23;75:1 18 (3) 5:5;49:23;75:7 19 (2) 5:6;75:12 19th (1) 2:5 2 2 (7) 3:21.5;10:5,6,7,17; 16:4,7 20 (5) 4:4.5;5:7;24:2; 29:9;75:18 200 (1) 43:16 2008 (5) 17:22;33:7;84:20; 85:5,8 2008-2009 (2) 19:1;85:12 2009 (4) 17:23;84:20;85:5,8 2010 (3) 84:20;85:2,18 2012 (2) 85:19,21 2013 (1) 77:17 2014 (16) 10:12,14;11:2; 12:10,13;13:16; 16:20;17:3;18:2,13; 23:16;30:5;38:5; 84:16,17;88:1 21 (2) 5:8.5;76:1 22 (11) 5:9.5;10:12,14; 12:9,12;13:16;16:20; 17:2;18:2;43:16;93:7 23 (2) 18:13;30:5 230 (1) 6:7 28202 (1) 2:9	29th (1) 2:8.5 3 3 (6) 3:22.5;11:7,8;22:4, 5;90:2 310-A (1) 2:23 4 4 (5) 4:4.5;20:4,6;32:21; 35:1 5 5 (6) 4:5.5;67:11,13; 68:1;78:1,5 59 (1) 7:9 5A (5) 4:7;67:18,19,21; 68:3 6 6 (2) 4:8.5;68:9 61 (1) 2:23 67 (2) 4:6,7.5 68 (2) 4:9,10.5 69 (1) 4:11.5 7 7 (2) 4:10;68:21 70 (2) 4:13,14.5 70-year-old (1) 38:22 72 (2) 4:15.5,17 73 (2) 4:18.5,20 74 (2) 4:21,22 75 (4) 4:23;5:5,6,7.5 76 (1) 5:8.5 8 8 (5)	3:20.5;4:11.5; 63:14;69:7;86:1 9 9 (3) 4:12.5;70:8;84:5 9/23/2014 (1) 16:13 900 (1) 2:5 92 (1) 3:13 93 (1) 5:9.5 95 (1) 2:18.5
--	--	--	--	---